Artwork by Pete Collins

THE QUEER, FEMINIST & TRANS POLITICS OF
PRISON ABOLITION

— August 2008 —

This resource package was designed as a tool to be used, distributed, shared, and discussed in the hope that it will contribute to broader social justice struggles. It was developed as part of a series of prison abolition workshops in the UK, but may be usefully adapted for other contexts. Feel free to copy, modify, expand and use these resources as you see fit, so long as they are not used for commercial purposes and credit is given to the activists, artists and sources named throughout.

For more information, to give feedback, or get involved in organizing, please contact;

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INTRODUCTION:
making links and building solidarity between prison abolition and queer, trans, feminist struggles

This workshop emerged from a need to make better connections between struggles for gender / sexual justice and the growing problem of mass incarceration, over-policing, and cultures of control. Too often, these issues are seen in isolation from each other. On the one hand, prisoner justice activists have not always paid enough attention to the gender and sexual dimensions of mass imprisonment, especially for queer and transgender people. On the other hand, feminist, queer and trans groups have often excluded prisoners from our communities and not prioritized prisoner's justice issues within movement struggles. In the antiviolence movement, some feminist, queer and transfolk have also been too quick to equate justice with imprisonment – by embracing hate crime laws, advocating prison sentences for those who commit sexual violence and calling for increased "community" policing.

But if we genuinely want to work towards a world where we are all safe from violence, poverty, racism, sexual assault, abuse and oppression, it is important to connect these struggles. Indeed, many of us who identify as queer/trans/feminist and have been involved in antiviolence work through rape crisis centres, shelters and queer/trans safe spaces—we are also committed to prison abolition. For some, our prison abolition politics grew out of that antiviolence work. After years of responding to the same forms of violence over and over again and after dealing with the repeated failures and injustices of the criminal system, it has become clear that the prison system not only fails to protect our communities from violence, but enables, perpetuates and fosters *more* violence.

These issues are particularly urgent now, as the so-called war on terror intensifies, as attacks on migrants and people of colour increase, as violence against women, queers and transpeople shows little signs of abating, as the global prison population expands dramatically. Indeed, women are the one of the fastest growing prison populations worldwide. These trends are closely related to changes in the global economy; as governments continue to slash welfare, education, housing, and health care budgets on the one hand, they increase budgets for prison, police and border controls, on the other.

As the more privileged members of queer and trans communities are ushered into new forms of neoliberal citizenship—where buying power, respectability, assimilation and nationalism are the price of welcome—and as some queer/trans groups are getting increasingly cozy with police and military forces, we need to question who is bearing the costs of that so-called "inclusion". We must reject all strategies which allow queer, trans and feminists politics to be coopted and used to enable war, imprisonment, state violence and racism. This workshop is an attempt to confront those issues – and to instead put anti-violence, anti-racism, feminism, queer politics, trans struggles and prison abolition at the centre of our organizing efforts.

We also want to express thanks and support of our colleagues, comrades, friends, family and loved ones in prison. Special thanks to Peter Collins, artist and activist currently held in Bath Institution, Canada, whose art is used throughout the workshop. Thanks also to the Prisoners Justice Action Committee in Toronto, Canada, and Critical Resistance in the USA, which both provide much inspiration. This workshop is modelled after a series originally developed for Prisoners Justice Week in Toronto, 2006. On hearing about these workshops, many prisoners were moved to know that there is a growing movement of people on the outside who want to work for prison abolition and prisoners rights. They are thankful for the support and encouragement they draw from our work. As Pete said, "It is dangerous for us, for prisoners to speak out about abuses and injustices we see. But it becomes less dangerous and more powerful when you speak out with us."

A NOTE ON TERMS

Some of the terms used in the workshop may be new or unfamiliar. If you aren't sure what something means, please ask!

It is important to remember that all terms, particularly those which refer to people's identities, are highly contested, often changing and usually dependent on the context in which they are used. For the purposes of this workshop, the following provides a rough guide:

Queer – refers to people whose sexual desires, identities and practises do not conform to heterosexual norms. It can include lesbian, gay, bisexual, transgender, transsexual, intersex, two-spirit, queer people.

Trans – refers to people who identify or express gender differently than what is traditionally associated with the sex they were assigned at birth. It can include people who self-identify as transgender, transsexual, two-spirit, male-to-female (MtFs); female-to-male (FtMs), or people whose gender identity is fluid.

Gender-variant – refers to people whose gender presentation or identity does not conform to gender norms or expectations. For example, it could include women who present in a masculine way, but identify as women. It can also include androgynous or gender-ambiguous people.

Feminist – there are many different kinds of feminist politics, but most broadly feminism is a political movement that challenges gender-based oppression.

Prison Industrial Complex (PIC) – the network of governmental and private interests that uses prisons as a solution to social, political, and economic problems. It includes all institutions, government branches, agencies and businesses that have a financial, organizational or political interest in maintaining the prison system, such as the Home Office and UK Border Agency, security corporations, construction companies, prison guard unions and surveillance technology vendors, etc.

Prison Abolition – a social movement to eliminate prisons, jails, immigration detention centres, psychiatric detention and prisoner of war camps by implementing alternatives which are more effective and humane.

Penal Abolition – a social movement to abolish all forms of punishment used in response to social harm, violence or conflict.

Criminalization – refers to the process where particular acts or activities are defined as crimes, and particular groups of people are labelled as criminals. The term criminalization draws our attention to the ways that definitions of crime are socially constructed, often in ways that reinforce discrimination and oppression.

GETTING THE FACTS?!?
a preliminary note on public (mis)information

According to the British Crime Survey 2000, around 75% of people in Britain get their information about criminal justice from popular media and only 6% believe that this information is inaccurate. Yet, as numerous crime and media researchers have found, the majority of press reports on crime, particularly the daily tabloids, are grossly misleading, heavily distorted or outright inaccurate. This is not to say that there aren't some good journalists who are providing important exposés, but that the overall media picture is often misleading. One study, for example, found that 45% of crimes reported in UK newspapers involved sex or violence, compared to 3% of actual reported crime. Likewise, although crime has been steadily decreasing in recent years, only 1 in 5 people in Britain actually believe that crime rates are falling. Media distortion of criminal (in)justice issues poses several problems for people who want to stop violence, abuse and oppression in our communities. Here's why:

1. Inaccurate media provides a misleading and sensationalist picture of the amount of, and social context for, violent behaviour. For example, popular news media often contribute to the "stranger danger" myth, which suggests that people are most at risk of violence from strangers, whereas in reality, most cases of violence and assault occur between people who know each other. Women, for example, are most vulnerable to sexual violence from their partners, family members and acquaintances. Popular media also reinforces racist stereotypes which contributes to the overpolicing and criminalization of people of colour.

2. Inaccurate representations of the problem lead to ineffective solutions. The stranger-danger myth, for example, encourages women to regulate their behaviour on the street (ie. don't walk alone at night, stay away from dark alleys, etc) rather than addressing the intimate violence that occurs on a more regular basis in our homes, schools, and workplaces.

3. Popular media contributes to a "culture of fear" which is not only used by politicians to gain support for increased imprisonment, but has enabled the state to roll back legal rights, increase policing of poor and racialized communities, and legitimate ongoing acts of state violence.

4. Popular media often suggests that individual behaviour and "bad choices" are the case of crime, and fails to put such behaviour in its broader social context. This then reinforces calls for punishment-based responses, rather than solutions which address the root causes of violence, such as poverty, abuse, mental illness, addiction, racism and social inequalities.

5. A selective focus on extreme examples of violence crime often deflects attention from social harms that are not counted as crime but often pose serious risks to our safety and well-being, such as state violence, poverty, environmental destruction, labour exploitation and war.

This resource package provides some preliminary tools to challenge common myths and stereotypes about prisoners and prisons. The information comes from a range of sources, including knowledge from prisoners and ex-prisoners, activist groups, government reports, independent academic research and public surveys. The sources for each topic are listed at end of each section. This resource package is just a starting point. It is important to develop critical media literacy skills, find accurate information, share experiences and educate each other about the who is in prison, what really goes on in prisons and what are the broader social and political costs of imprisonment.

Sources: Duffy, Wake, Burrows and Bremner, "Closing the Gaps: Crime and Public Perceptions" Ipsos MORI, December 2007. Mason, "Misinformation, Myth and Distortion: How the press construct imprisonment in Britain" *Journalism Studies*, Vol 8 No 3, 2007.

THE GROWING CRISIS OF MASS IMPRISONMENT:
UK Prison System Overview

PRISONS IN THE UK:

Adult & Young Offender Prisons: There are currently 139 prisons in England and Wales (including 18 Young Offender Prisons, which hold young people aged 18-20), 16 prisons in Scotland, and 3 in Northern Ireland.

Children's Prisons: There are 4 "Secure Training Centres" and 14 "Secure Children's Homes" which imprison children ages 12-17.

Immigration Prisons: There are 10 immigration "detention" prisons with space to hold 2,306 immigrant prisoners.

Secure Hospitals / Psychiatric Prisons: There are 800 high secure beds in three NHS facilities and 3500 medium secure beds in NHS and private health facilities.

PRISON POPULATION IN THE UK:

The current official UK prison population is approximately: 93,208

England & Wales (1 August 2008):	83,810
Scotland (August 1, 2008):	7,858
Northern Ireland (4 August 2008):	1,540

The total figure includes those held in official prisons, police cells under Operation Safeguard, "secure training centres", "secure children's homes" and the three immigration detention prisons that are run by HM Prison Service (Dover, Haslar & Lindholme). It does <u>not</u> include prisoners held in the UK's 7 privately-run immigration detention centres, those held in forced psychiatric institutions, prisoners of war or UK nationals held in prisons abroad. It also does not include the people held illegally in secret prisons around the world, either at the hands of, or in complicity with, the UK government.

In July 2007, there were 3,723 people held in Secure Hospitals.

In March 2008, there 2,305 people held in immigration detention prisons in the UK. At least 1,640 of those people had claimed asylum at some stage.

Over-imprisoning:

- England & Wales has the highest imprisonment rate in western Europe at 148 per 100,000 of the population.

- The number of prisoners in England & Wales has increased by 25,000 in the ten years from 1996 to 2006. Previously, it took nearly four decades for the prison population to rise by 25,000.

- The number of people found guilty by the courts has remained largely constant over recent years, but the number of people awarded prison sentences has risen dramatically. The number of persons found guilty in 1996 was 1,724,225 and 1,771,378 in 2006. The number given custody at magistrates course has risen from 25,016 in 1993 to 53,431 in 2006. The number of people given custodial sentence at the crown court has risen from 33,722 in 1993 to 42,586 in 2006.

- Many people are held in prison even though they have not been convicted of a crime. In 2006, for example, 54,809 untried people were held in custody on remand (waiting for trial). One in five (19%) of men and 18% of women held on remand before trial in 2005 were acquitted. Just under two thirds of people received into prison on remand awaiting trial are accused of non-violent offences. In 2006, 15% were remanded for theft and handling of stolen goods.

- The rate of psychiatric imprisonment has been steadily increasing. In 1995, the number of people detained in "forensic" health services was 2,500. By July 2007, the number reached 3,723, a record high.

Over-sentencing:

- England and Wales has the highest number of life-sentenced prisoners in Europe; it has more than Germany, France Italy the Russian Federation and Turkey combined.

- Indefinite sentences, that is life and the new sentence of "imprisonment for public protection (IPP) have grown by 22% in the last year.

- There were 10,911 people serving indefinite sentences at the end of March 2008, compared to 3,000 serving indefinite sentences in 1992.

- Approximately 70% of the increase in "demand" for prison places between 1995 and 2005 is estimated to have arisen owing to changes in the custody rate and sentence length.

- In 2004, 18.6% of shoplifters were sent to prison from magistrates courts, compared with 4.7% in 1994.

Table 1.1: International prison population comparison		
Country	Percentage increase in prison population since 1995[8]	Prison population per 100,000 of the population in 2007[9]
England and Wales	60%	148
France	1%	85
Germany	16%	96
USA	42%	750
Canada	–11%	107
Australia	48%	125
New Zealand	68%	183
World median	–	125

Over-crowding:

- The UK prison system has been overcrowded every year since 1994. Overcrowding pressures have led to worsening conditions, higher rates of self-harm and over-transfer/shifting of prisoners from one prison to another.

- At the end of February 2008, at least 19,382 prisoners were doubled in cells intended for one person, and 1,207 prisoners were held three to a cell designed for two people.

- In 2007, 60,953 prisoners were housed in police cells because of prison overcrowding. The estimated cost of holding a prisoner in a police cell is £459 per night.

- Records show that on 22 February 2008 the prison population breached the Prison Service's own safe overcrowding limit.

The ten most overcrowded prisons in England and Wales, April 2008

Prison	In use CNA	Operational Capacity	Population	% overcrowded
Kennet	171	338	334	195
Swansea	240	422	422	176
Shrewsbury	178	334	310	174
Leicester	210	392	361	172
Preston	429	760	740	172
Usk	150	250	248	165
Lincoln	436	738	715	164
Altercourse	794	1,288	1,273	160
Dorchester	145	259	231	159
Durham	580	985	909	157

NOMS Monthly Bulletin – April 2008

The Prison Service Defines:

Certified Normal Capaicty (CNA): "the good, decent standard of accommmodation that the service aspires to provie all prisoners"

Operational Capacity: "The total number of prisoners that an establishment can hold without serious risk to good order, security and the proper running of the planned regime."

Over-expanding:

- Since Labour came to power in 1997, more than 20,000 additional prison places have been provided, an increase of 33%.

- Even though there is clear evidence that massive prison institutions do not work, the Labour government plans to build giant warehouse-style prisons, known as "Titan" prison, which will hold up to 3,000 people.

- In December 2007, the government announced an additional 10,500 prison spaces to built by 2014. This is on top of the existing 9500 capacity programme. The programme will include up to three "Titan" prisons.

- The new building program will bring the rate of imprisonment to 178 per 100,000.

- In May 2008 the UK Border agency announced plans to create up to 60% more spaces to imprison immigrants, resulting in the creation of 1300 – 1500 extra immigration detention spaces.

THE COST:

- It costs an average of £40,992 to keep a person in prison in England and Wales. The actual cost per prisoner place in Northern Ireland in 2006/7 was £90,298.

- Total prison expenditure has increased from £2.843 billion in 1995 to £4.325 billion in 2006.

- Prison Service inquest costs since April 2004 total £6,080,000. Annual costs have risen from £901,000 in 2004/5 to £1,962,000 in 2007/8.

- The overall cost of the criminal justice system has risen from 2% of GDP to 2.5% over the last ten years. This is a higher per capital level than the US or any EU country.

- The cost of each of the 940 new places added in 2005/6 was £119,000 each.
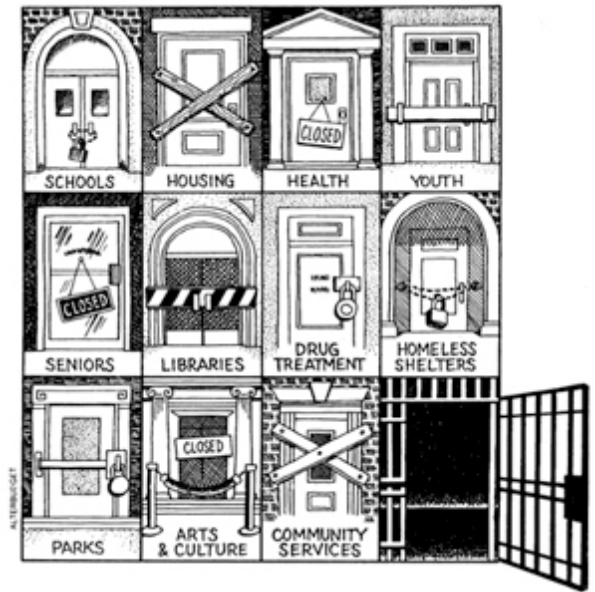
THE EFFECT:

- Prison has a poor record for reducing re-offending – 64.7% of prisoners are reconvicted within two years of being released. For young men aged 18-20 reconviction is 75.3%.

- Research by the Prime Minister's Strategy Unit admitted that increased imprisonment will not decrease crime. The report states: "There is no convincing evidence that further increases in the use of custody would significantly reduce crime"
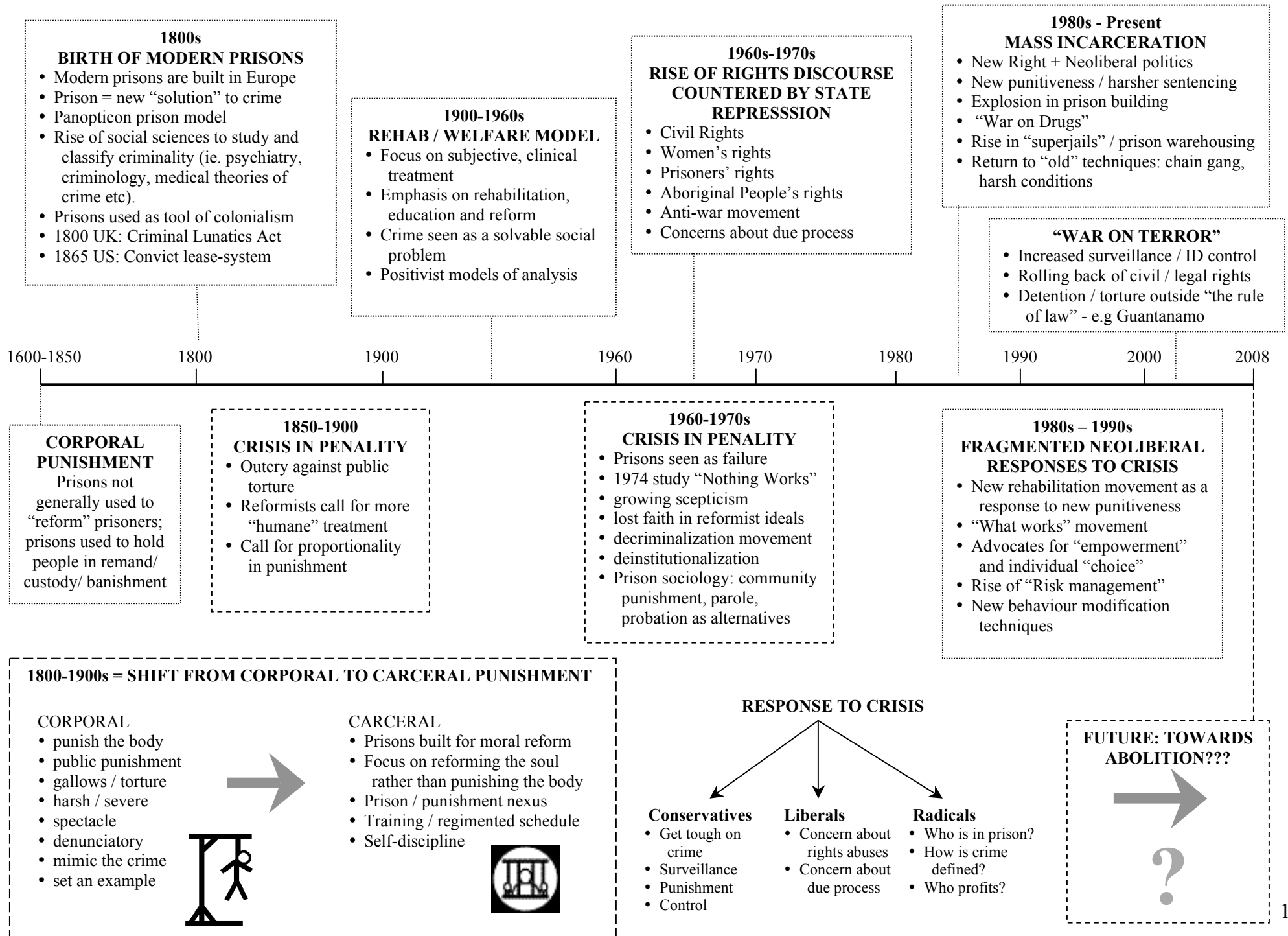

Anti Social Behavioural Orders (ASBOs): Another Tool for Criminalization

ASBOs are behviour prevention orders which can be issued by magistrate courts against individuals who have behaved in a manner "that caused or was likely to cause harassment, alarm or distress." ASBOs last for a minimum of two years and have no maximum length, and can ban a person from engaging in particular kinds of behaviours, spending time with specific people, or going to specific places. While ASBOs are not criminal orders, failure to adhere to an ASBO can result in a criminal conviction and up to five years imprisonment.

- ASBOS require a very low standard of evidence. Less than 2% of applications are denied.

- ASBOs can be served against children as young as 10. As of 2005, 41% of all ASBOS has been issued to children 10-17 years old,

- A Home Office review found that for 60% of those issued an ASBO, there was a mitigating factor such as mental distress, addiction or learning difficulties.

- The British Institute for Brain Injured Children found that 20% of young people who receive ASBOs have a diagnosed mental health disorder or learning disability.

- By the end of 2005, half of all ASBOs had been breached.

- In 200-2003, at least 134 people in England &Wales were sentenced to custody for a breaching an ASBO.

Sources: Howard League for Penal Reform, "Weekly Prison Watch" August 1, 2008; Scottish Prison Service, "Prisoner Population, August 1, 2008"; Northern Ireland Prison Service, Prison Population Reports, August 4, 2008; Home Office Asylum Statistics, 1st Quarter, 2008; Rutherford & Duggan, "Forensic Mental Health Services, Facts & Figures", Sept 2007; Prison Reform Trust, *Bromley Briefings Prison Fact File,* June 2008; Carter's Review of Prisons "Securing the Future" Report, 2007; Home Office Website, Sainsbury Centre for Mental Health, ASBOwatch.

MODERN HISTORY OF PUNISHMENT TIMELINE (Europe & North America)

1800s
BIRTH OF MODERN PRISONS
- Modern prisons are built in Europe
- Prison = new "solution" to crime
- Panopticon prison model
- Rise of social sciences to study and classify criminality (ie. psychiatry, criminology, medical theories of crime etc).
- Prisons used as tool of colonialism
- 1800 UK: Criminal Lunatics Act
- 1865 US: Convict lease-system

1900-1960s
REHAB / WELFARE MODEL
- Focus on subjective, clinical treatment
- Emphasis on rehabilitation, education and reform
- Crime seen as a solvable social problem
- Positivist models of analysis

1960s-1970s
RISE OF RIGHTS DISCOURSE COUNTERED BY STATE REPRESSSION
- Civil Rights
- Women's rights
- Prisoners' rights
- Aboriginal People's rights
- Anti-war movement
- Concerns about due process

1980s - Present
MASS INCARCERATION
- New Right + Neoliberal politics
- New punitiveness / harsher sentencing
- Explosion in prison building
- "War on Drugs"
- Rise in "superjails" / prison warehousing
- Return to "old" techniques: chain gang, harsh conditions

"WAR ON TERROR"
- Increased surveillance / ID control
- Rolling back of civil / legal rights
- Detention / torture outside "the rule of law" - e.g Guantanamo

1600-1850 — 1800 — 1900 — 1960 — 1970 — 1980 — 1990 — 2000 — 2008

CORPORAL PUNISHMENT
Prisons not generally used to "reform" prisoners; prisons used to hold people in remand/ custody/ banishment

1850-1900
CRISIS IN PENALITY
- Outcry against public torture
- Reformists call for more "humane" treatment
- Call for proportionality in punishment

1960-1970s
CRISIS IN PENALITY
- Prisons seen as failure
- 1974 study "Nothing Works"
- growing scepticism
- lost faith in reformist ideals
- decriminalization movement
- deinstitutionalization
- Prison sociology: community punishment, parole, probation as alternatives

1980s – 1990s
FRAGMENTED NEOLIBERAL RESPONSES TO CRISIS
- New rehabilitation movement as a response to new punitiveness
- "What works" movement
- Advocates for "empowerment" and individual "choice"
- Rise of "Risk management"
- New behaviour modification techniques

1800-1900s = SHIFT FROM CORPORAL TO CARCERAL PUNISHMENT

CORPORAL
- punish the body
- public punishment
- gallows / torture
- harsh / severe
- spectacle
- denunciatory
- mimic the crime
- set an example

CARCERAL
- Prisons built for moral reform
- Focus on reforming the soul rather than punishing the body
- Prison / punishment nexus
- Training / regimented schedule
- Self-discipline

RESPONSE TO CRISIS

Conservatives
- Get tough on crime
- Surveillance
- Punishment
- Control

Liberals
- Concern about rights abuses
- Concern about due process

Radicals
- Who is in prison?
- How is crime defined?
- Who profits?

FUTURE: TOWARDS ABOLITION???

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CRIMINALIZING SOCIAL EXCLUSION:
Who is really in UK prisons?

The mass media, popular crime shows, and politicians perpetuate the myth that prisons are filled with maniacal monsters, serial killers, and violent rapists. In reality, the most people first enter prison for non-violent petty crimes (usually crimes of poverty) and the vast majority of prisoners come from the most disadvantaged sectors of society. In this current age of mass incarceration, prisons have become the dumping grounds for those who are most socially excluded, oppressed, marginalized, impoverished and abused. Young people, black men, women and girls are among those whose are being most rapidly criminalized.

The statistics below demonstrate how prisons act as tools of social control. The following groups are not overrepresented because they are more criminal, but because they are more policed and targeted. They are assumed to be criminal because they are young, poor, immigrants, black, etc. They are punished for defending themselves against abusive partners, for using drugs not condoned by society, for being poor, for whatever they do to survive.

Poor, homeless, and socially marginalized people

- At least 14% of men, 20% of women and 10% of young offenders were not in permanent accommodation before entering custody.

- Home Office research found that more than half (51%) of short term prisoners had housing problems prior to imprisonment. 1 in 20 prisoners were sleeping rough before prison.

- Two thirds of prisoners are unemployed at the time of imprisonment – 13 times the national unemployment rate. A recent Home Office study found that 14% of prisoners said they had never had a paid job before custody.

Social characteristics of prisoners

Characteristic	General population	Prison population
Ran away from home as a child	11%	47% of male and 50% of female sentenced prisoners
Taken into care as a child	2%	27%
Regularly truanted from school	3%	30%
Excluded from school	2%	49% of male and 33% of female sentenced prisoners
No qualifications	15%	52% of men and 71% of women
Numeracy at or below Level 1 (level expected 11 year-olds)	23%	65%
Reading ability at or below Level 1	21-23%	48%
Unemployed before imprisonment	5%	67%
Homeless	0.9%	32%
Suffer from two or more mental disorders	5% men and 2% women	72% of male and 70% of female sentenced prisoners
Psychotic disorder	0.5% men and 0.6% women	7% of male and 14% of female sentenced prisoners
Drug use in the previous year	13% men 8% women	66% of male and 55% of female sentenced prisoners
Hazardous drinking	38% men and 15% women	63% of male and 39% of female sentenced prisoners

(Source: Social Exclusion Unit Report 'Reducing re-offending by ex-prisoners', July 2002)

People with mental health issues and addictions

- The majority of prisoners have mental health issues. 72% of male and 70% of female sentenced prisoners suffer from two or more mental health disorders.

- Prison regimes do little to address the mental health needs of prisoners. One report found that 28% of male sentence prisoners with evidence of psychosis were spending 23 or more hours a day in their cells, over twice the proportion of those without mental health problems.

- The Home Office reports that around 55% of people taken into custody are problematic drug users. A recent Home Office Study found that almost half of recently sentenced male prisoners (47%) had used heroin, crack or cocaine in the 12 months prior to imprisonment.

- Although roughly 1/3 of adults and 2/3 of youth can be classified as illegal drug users, the "war on drugs" disproportionately targets women and people of colour. In 2003, approximately 40% of sentenced women were in prison are for drug offences, compared to 16% of men. A higher proportion of black inmates are imprisoned on drug offence charges (28%) compared to white (13%), even though blacks have an equal or lower per-capita level of drug use than whites.

People of colour / racialized communities

- Of all those sentenced to custody in 2006, more than 1 in 5 was from a minority ethnic group.

- On 30 June 2006, 26% of the UK prison population (29,180) were people of colour. This compares to 1 in 11 of the general population.

- At 57%, black prisoners account for the largest number of minority ethnic prisoners and their numbers are rising - whereas the prison population grew by just over 12 per cent between 1999 and 2002, the number of black prisoners increased by 51 per cent.

- People of colour are more likely to be held in prison while awaiting trial than white people are. Young black people and young people of mixed ethnicity, when sentenced, are more likely to receive harsher sentences than young white people.

- Black people are at least six times more likely than white people to be stopped and searched by police. Black people are more than three times more likely to be arrested than white people.

- In 2002, there were more African Caribbean entrants to prison (over 11,500) than to UK universities (around 8,000).

- People of colour are more likely than whites to suffer harassment on the basis of a suspicion that they are involved in drugs. They are also more likely to be arrested and charged in relation to a drug offence. People of Black-African and African-Caribbean background are more likely to be found guilty of a drug offence and they are more likely to serve a custodial sentence

- Whereas black young offenders accounted for 6% of total criminalized offences in 2005/6, they received 11.6% of custodial sentences.

Foreign nationals / immigrants / asylum seekers

- At the end of March 2008, there were 11,371 foreign national prisoners (defined as non-UK passport holders), 14% of the overall prison population.

- Foreign national prisoners come from 166 countries, but just under half come from 10 countries (Jamaica, Nigeria, Irish Republic, Vietnam, Pakistan, Somalia, China, Poland, India & Iraq).

- In February 2007, approximately 1300 foreign nationals were held in prison or immigration detention beyond the length of their sentence.

- The number of foreign nationals entering prison under immediate custody has increased by 168% between 1996 and 2006. This compares to an 11% increase in British Nationals.

Women / girls

- A total of 11,950 women were received into prisons in England and Wales in 2006.

- The number of women in UK prisons has nearly doubled over the past decade. In 1996, the mid-year female prison population was 2,305. In 2006, it was 4,463.

- The number of girls aged 10-17 sentenced to prison at magistrates courts has increased by 181% from 1996 to 2006.

- There was a 78% increase in the number of women remanded into custody between 1996 and 2005, compared to a 15% increase for men.

- Of the sentenced female prison population, the majority are held for non-violent offences. At the end of March 2008, the largest group 28% were held for drug offences. More women went to prison in 2006 for theft and handling of stolen goods than any other crime.

Children / youth / young adults

- In March 2008, there were 9,513 young adults and 2,350 children in prison in England & Wales.

- Between 1994 and 2004, the number of children sentenced to penal custody in England and Wales increased by 90%, despite declining rates of recorded crime by children.

- In 2005, England and Wales jailed an average of 2,274 children in any one week – compared to 1,456 in Germany, 628 in France, 73 children in the Netherlands and nine in Norway. England and Wales continues to lock up more children than any other country in Western Europe.

- A recent report by NACRO released in April 2008, found that more children and young people were being brought into the criminal justice system to satisfy police targets. Younger children (ages 10-14) and girls were among those disproportionately criminalized.

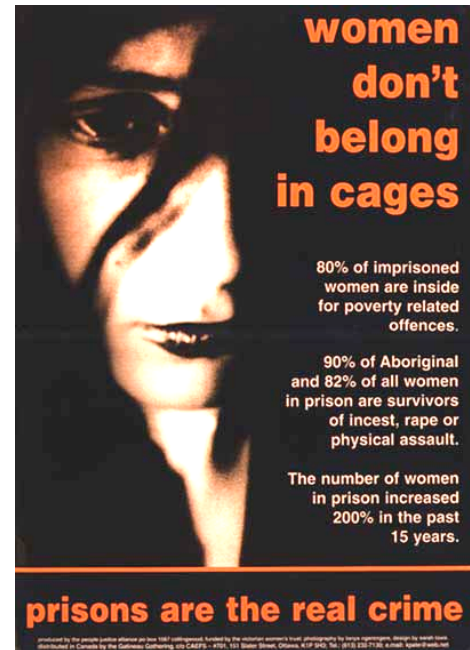## Queer / Trans / Gender-variant people

- The Home Office does not collect statistics on the gender identity or sexuality of prisoners, so we do not know how many queer, trans or gender-variant people are in prison. But some independent research as well as anecdotal evidence suggests that queer/trans people are disproportionately imprisoned. Queer/trans people also have higher rates of homelessness, unemployment, harassment and abuse--factors which increase their risks of being criminalized.

Sources: Prison Reform Trust, *Bromley Briefings Prison Fact File June 2008; NACRO* "Police Targets brining more children into criminal justice system*" 3 April 2008;* Transform Drug Policy Foundation "Drug Offenders, Drug Related Offending, and the Prison Population"; Women in Prison website; Defence for Children International, report on Violence Against Children in Conflict with the Law, 2008.

PROFILE OF CRIMINALIZED WOMEN

Women are one of the fastest growing prison populations worldwide. This is not because women's crime rates are going up, but because women are increasingly criminalized and imprisoned, often for non-violent behaviour such as drug and property offences and crimes of poverty. Of those who convicted of violent offences, many have retaliated against an abusive partner. The "war on drugs", harsher sentencing, cuts to education, health care and social spending, growing poverty have increased the criminalization of women.

❖ More than half of women in UK prisons report that they have suffered domestic violence and one in three has experienced sexual abuse. This problem is widespread. A recent US study found that 68% of women prisoners reported sexual victimization at some point during their lives and 17.2% reported sexual victimization in prison. The Canadian Human Rights Commission found that 80% of federally imprisoned women were physically or sexual abused.

❖ The educational achievement of women prisoners is lower than for male prisoners. 74% left school at 16 or before. Only 39% have any qualifications at all, compared to 82% of the general population. 41% of women prisoners have not worked in the past five years.

❖ 66% of sentenced women in prison say they were either drug dependent or drinking to hazardous levels before custody. A University of Oxford report on the health of 500 women prisoners found that 58% had used drugs daily in the six months before prison.

❖ Women prisoners report much higher levels of physical & psychological health problems than non-prison women.

❖ 37% of women prisoners have attempted suicide at some point during their life.

❖ 1 in 4 spent time in local authority care as child.

❖ The majority of sentenced female prisoner are held for non-violent offences. At the end of March 2008, the largest group (28%) were held for drug offences. More women went to prison in 2006 for theft and handling stolen goods than any other crime; they made up (31%) of all women sentenced to immediate custody.

> *"Taking the most hurt people out of society and punishing them in order to teach them how to live within society is, at best, futile. Whatever else a prisoner knows, she knows everything there is to know about punishment because that is exactly what she has grown up with. Whether it is childhood sexual abuse, indifference, neglect; punishment is most familiar to her".*
> Chris Tchaikovsky, *Former prisoner and founder of Women in Prison*

Sources: Blackburn, Mullings & Marquart (2008) "Sexual Assault in Prison and Beyond: Toward an Understanding of Lifetime Sexual Assault Among Incarcerated Women" *The Prison Journal* Vol 88, No 3: 351-377; Canadian Association of Elizabeth Fry Societies, 2008 "Fact Sheet on Criminalized & Imprisoned women"; Prison Reform Trust, *Prison Fact File,* June 2008; Women In Prison Website; Kim Pate, "Prisons as Panacea: Prisons are inadequate responses to poverty, homelessness and mental illness" 2004.

SOCIAL COSTS OF PRISONS FOR WOMEN

Prisons have failed to protect women from violence.

Prisons perpetuate rather than break cycles of violence. Locking up abusers may stop some violence temporarily, but it does not address root causes of violence and creates other forms of violence and harm. The Social Exclusion Unit, for example, found that 65% of boys with a convicted parent go on to offend themselves. Prisons also don't meet the needs of survivor of violence. Many women who experience violence from their partners, for example, do not want that person to go to prison; they want that person to stop the behaviour and take responsibility for their actions. Others, particularly asylum seekers, transwomen and women from over-policed communities, do not want to engage with the legal system either because they feel unsafe going to police or do not want to be revictimized by court processes. Ultimately, prisons have failed to stop violence, failed to hold abusers to account, and failed to meet the needs of abused women.

Prisons enact violence against women who are incarcerated.

Many women prisoners have drawn parallels between the violence they have experienced at home and the violence they experience in prison. The abusive, controlling partner is simply replaced by the abusive, controlling state. Survivors of violence are often re-traumatized by prison life, particularly when subject to assault, abuse, medical neglect, and solitary confinement. Many women experience strip-searches as form of rape. Self-harm is widespread in women's prisons, as are attempted suicides. Many women are devastated by separation from their families and children during incarceration. Home Office research has found that 66% of women prisoners are mothers, and each year it is estimated that more than 17,700 children are separated from their mother by imprisonment. Only 5% of women prisoners' children remain in their own home once their mother has been sentenced—increasing social exclusion and perpetuating the cycle of incarceration.

Prisons cause damage, disruption and harm to the lives of women whose partners, children and family members are in prison

Research has shown that people are less likely to cause harm to others when they feel part of a community, because social inclusion brings both supports and obligations. Yet prisons have the opposite effect – they remove people from their communities and isolate them from supports and accountability. This can be devastating, not only for prisoners, but for friends and family members. During their sentence, 45% of people lose contact with their families and many separate from partners. Women whose partners are incarcerated face increased economic, emotional and physical hardship. Prisoner's partners report that stress-related conditions such as anxiety, depression and eating disorders worsened due to their partners' imprisonment. In one survey, almost 75% of spouses, partners and mothers attributed health problems directly to imprisonment of a family member. Women whose family members are in prison often face considerable public shaming and are often blamed for their family member's behaviour.

Prisons make bad social / economic situations worse for women and their families

Crime is not so much a sign of deviance as it is a symptom of deeper social problems like poverty, abuse, racism, oppression and mental illness – problems which prisons only make worse. Around one third of women prisoners lose their homes or rented acommodation while in prison. Many lose their personal possessions. Around two-thirds of all prisoners lose their jobs. As a result, people often come out of prison in worse shape than they went in, putting them at increased risk of the behaviours that put them in prison in the first place. Prisons also drain resources away from vital social services like rape crisis centres, shelters, and women's health programs.

Sources: Social Exclusion Unit, *Reducing Re-offending*, 2002; Prison Reform Trust, *Prison Factfile,* June 2008.

THE CRIMINALIZATION AND PUNISHMENT OF QUEER, TRANS & GENDER VARIANT COMMUNITIES

The UK Home Office does not collect statistics on the criminalization of queer, trans or gender variant people, so we do not have reliable information on the rates of imprisonment, or risks of state violence for our communities. However, research in other jurisdictions has shown that queer and trans people are disproportionately criminalized and subject to police harassment / abuse. Preliminary research and anecdotal evidence suggests similar trends in the UK. Based on the limited information available in the UK, combined with research from the US, Canada and Australia, we can identify some recurring issues and key concerns:

1. **Queer, trans and gender-variant people have been historically subjected to oppressive laws, institutional abuse and criminal punishment—a legacy that continues today despite ongoing legal reforms.**

   Police, prison and state officials have enabled or participated in violence against queer and trans communities in the following ways: (a) by ignoring violence against queer/trans folk; (b) by enforcing homophobic and transphobic laws; (c) by using their discretion to over-police and enact harsher penalties against queer/trans people; and (d) by engaging in acts of violence, harassment, sexual assault and discrimination. While current laws in the UK do not officially condone violence against queer/trans people, and while police are increasingly putting on a queer/trans-friendly public face, institutional structures and practises continue to extend the legacy of violence. The recent incident of police transphobia at London Pride (where a transwoman was harassed, abused and threatened with arrest for attempting to use the woman's toilet) provides a case in point.

2. **The state has failed to protect queer, trans & gender-variant people from violence.**

   Although queer, trans and gender variant people are disproportionately subject to street harassment, assault and violence, many do not feel safe going to the police for help. A recent study by Stonewall found that while 1 in 5 lesbian and gay people had been a victim of homophobic hate crime in the last three years, 75% did not report them to the police. The incidents ranged from insults on the street to serious physical and sexual assaults. Of those incidents reported to police, half resulted in no action being taken other than being recorded. Two thirds of those who reported incidents to police were not referred to advice or support services. Trans people are particularly vulnerable when reporting incidents to police, particularly those whose ID does not match their current gender, as they risk having their identity exposed or being subject to harassment. Indeed, many trans people will do everything in their power to avoid contact with police. One UK study also found that police routinely assumed that trans people were suspects or criminals rather than witnesses or victims of crime.

3. **Trans, queer & gender-variant people, particularly those from communities of colour, face increased risk of criminalization and punishment.**

   Because trans, queer and gender-variant people experience widespread discrimination and oppression, they are at higher risk of social exclusion and marginalization. Several studies have found that queer and trans youth are more likely to be homeless, unemployed, bullied at school, harassed on the street, estranged from their families, and subject to violence—factors which greatly increase the risks of criminalization and imprisonment. Trans people in particular, and those who are visibly gender non-conforming are routinely harassed by law enforcement and security officials for completely legal activities, like using they toilet. Many transwomen have been accused of engaging in sex work when they were simply walking down the street.

4. **Trans and gender-variant prisoners are often held in gender-inappropriate prisons and holding cells at great risk to their safety.**

Prisons in North America, Europe, and Australia are sex-segregated; they divide people according to their perceived genitals rather than their self-expressed gender identity. This means that transgender women are often held in men's prisons and transgender men are held in women's prisons, at great risk to their safety. In UK, even those who have obtained a Gender Recognition Certificate may be placed inappropriately. In 2006, for example, at least one transwoman reported that she was being held in a male prison, despite having obtained a Gender Recognition Certificate. In this context, meeting basic daily needs, like using the toilet or taking a shower, can be stressful and high risk activities.

5. **Trans, queer and gender-variant persons are at very high risk of sexual assault, abuse and harassment in prison, police custody and immigration detention.**

Studies in Canada, Australia, and the US have found that queer and trans people are at very high risk of sexual harassment, abuse and assault while in state custody. Testimony at the National Prison Rape Elimination Commission in the US, for example, reported that trans people were subject to widespread sexual assault, abuse, rape and other gross human rights violations, not only from other prisoners, but from prison staff as well. Trans women in particular are often forced into sex work in "exchange" for protection from other prisoners. Studies of police and prison culture have also found that these institutions reinforce rigid sex and gender norms, which are often maintained through violence against those who do not conform.

6. **Trans prisoners are routinely denied adequate health care in prison.**

There are currently no guidelines for the care of trans of gender-variant persons in prisons in England & Wales. Although the Home Office stated in 1997 that it was "currently engaged in drawing up guidelines for issue to establishments on the care, management and treatment of prisoners with gender dysphoria" such guidelines have still yet to materialize. However, in other jurisdictions, even where guidelines exist, trans people are regularly denied access to adequate medical care, especially surgery and hormones.

7. **Trans, queer and gender-variant persons are more likely to be subject to solitary confinement and strip-searching.**

Because prison officials do not know how to respond to people who do not conform to gender norms, trans and gender variant people are regularly held in solitary confinement. Even when this is for trans people's "protection" it still constitutes a form of punishment, particularly when it means no access to recreational and educational programs. Trans people held in custody are often subject to humiliating, degrading, abusive and overtly transphobic strip-searches.

8. **Trans and queer people in prison face higher risks of self-harm and suicide.**

Numerous studies have shown that trans and queer youth have higher rates of suicide attempts and self-harm than non-trans and non-queer youth. Because prisons are incubators for violence, abuse and self-harm, trans/queer prisoners are at even higher risk of suicide and self-harm in prison, particularly if they are isolated from queer/trans supports and services.

SOURCES: Frazer, "Some Queers are Safer Than Others: Correlates of Hate Crime Victimization of Lesbian, Gay, Bisexual and Transgender People in Britain" 2005; Stonewall, "Homophobic Hate Crime: The Gay British Crime Survey, 2008"; Testimonies of Spade & Arkles, National Prison Rape Elimination Commission, 2005; Whittle & Stephenson, "A Pilot Study of Provision for Transsexual & Transgender People in the Criminal Justice System" 2001; Stop Prisoner Rape & ACLU, "Still in Danger: The Ongoing Threat of Sexual Violence Against Transgender Prisoners, 2005"; Sylvia Rivera Law Project "It''s a War In Here: A Report on the Treatment of Transgender and Intersex Prisoners in New York State's Mens Prisons" (2007) http://www.srlp.org/files/warinhere.pdf

THE IMPACT OF THE "WAR ON TERROR" ON QUEER , TRANS & FEMINIST COMMUNITIES

Since September 11, 2001, the mobilization of racist, anti-immigrant, and anti-activist sentiment, along with major law and policy changes which undermine legal rights and civil liberties of all people, have harmed communities around the world. As activists fighting for sexual and gender self-determination, we have seen the particular impact that these developments have had within our communities, and we strive to fight for solidarity amongst all communities under attack in the current political climate, knowing that struggles for self-determination are only meaningful when they are multi-issue and multi-strategy. The points below offer an initial analysis of the impact of the "War on Terror" on queer, trans and gender-variant communities:

Targeted and increased military and police recruitment.

Both the US and UK military have disproportionately focused recruitment efforts on poor people and people of colour with the false promise of education, job training and exciting career paths. In 2007, the British army launched a new recruitment campaign to specifically target women and people of colour, and the Police and Prison Services have been recruiting at Lesbian, Gay, Bisexual and Transgender Pride events across the country. The army has also been recently criticized for recruitment campaigns which not only glamorize army life, but target high school dropouts and youth as young as 12.

Violence and occupation at home and abroad.

As the 'war on terror' is used to justify occupation in Iraq and Afghanistan, we see a simultaneous increase in the occupation of low-income people of colour communities by the police. The extension of the torture, rape and humiliation in the US & UK prison industrial complex to prisons in Iraq furthers this connection. In addition, violence against queer and trans communities both by the police and others, has increased and is carried out with impunity.

The War on Terror takes up resources needed for social programs, welfare education, housing, health, and human needs.

As of late 2007, the UK had spent £7 billion in direct operating expenditures in Iraq and Afghanistan (76 per cent of it in Iraq). Joseph Stiglitz and Linda Bilmes estimate that the UK budgetary cost of the wars in Iraq and Afghanistan through 2010 will total more than £18 billion. If broader social costs are included, that figure exceeds £20 billion. These military and war expenditures grow, while funding for vital social services, health programs, housing and welfare programs are being cut. Local authorities are closing women's refuges, particularly those providing targeted services for women of colour and refuges, and the Labour government has cut legal aid and allowed reductions in social housing and homelessness supports. LGBTQ-specific services such as HIV prevention, drop-in centers, arts programs, resource centres, employment training, housing for homeless LGBTQ youth, programs addressing LGBTQ domestic violence, and hate-crime prevention programs remain under-funded or have been cut in order to fund the war on terror.

Tightened restrictions on mobility.

'War on Terror' tactics compromise freedom of movement. This includes blanket detention policies and deportations which separate LGBTQ couples and families (particularly those including transgender partners, whose marriages have been invalidated by recent policy changes). These tactics also block asylum seekers, many of whom are fleeing repression due to their actual or perceived sexual orientations or gender identities. And finally, the climate this approach fosters is one where suspicion and intimidation prevent immigrants, especially LGBTQ immigrants, from accessing legal counsel, accurate information, and other needed services.

Polarization in our communities.
The government's portrayal of the current political situation as a struggle between 'us and them' has increased polarization in our communities. Some ways in which the polarization is manifested are: the scapegoating of Arab and South Asian Communities; and internalized homophobia and attempts of assimilation by LGBTQ people in an effort to escape targeting and/or persecution.

Attacks on activists and activist organizations.
Surveillance of activists within and outside the UK has increased in recent years. Monitoring of meetings and gatherings, detaining of activists for long periods of time without criminal charges, and arrests have had a chilling impact on effective organizing in all communities. Antiterrorism laws, search and seizure policies and new detention policies have also been grossly misused to control and repress activists.

Trans people have been targeted and especially impacted by new travel and security measures and changes to identity document policies.
New border policies have targeted gender non-conforming people as suspicious and undermine hard-won rights to change name and gender. Governments have issued warnings to airports that security should watch out for men in women's clothing. In some jurisdictions, procedures for changing your name have been made more difficult. These developments cause trans people to be under greater suspicion and open to increased harassment and make it more difficult to access basic identity documents people need to work, get housing and go to school. Proposals for a national identity card and for new airport technology that scans through passengers' clothing would further impact trans communities. New barriers to accessing I.D. have also had a negative impact on youth and the homeless who often lack I.D. but need it to access basic services.

Mobilization of patriotic and conservative understandings of family have targeted poor women and LGBTQ people.
With rhetoric about patriotism and British values increasing, conservative ideas about families and policies geared toward promoting heterosexuality are on the rise. The increase of conservative rhetoric about family structure and sexuality goes hand-in-hand with the promotion of violent military action at home and abroad.

Queer, trans & feminist politics have been increasingly coopted to justify military invasion, state violence and racism.
"Saving" women and queers from so-called "backwards" cultures has become a common refrain in justifying UK and US-led militarism, particularly against Afghanistan, Iraq and Iran. Such rhetoric has not only fostered increased racism, Islamophobia and war, but deflects from the UK and US government's routine participation in violence and abuses against women and queers at home and abroad.

Excerpted and adapted from statement by the Sylvia Rivera Law Project. www.slrp.org

Photo by Danny Hammontree

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LOCKED OUT OF ENTRY, LOCKED INTO PRISON:
Facts on UK immigration detention

The policing of gender borders and the policing of state borders have much in common: both are used to repress, control and enact violence against those who cross boundaries. For this reason, queer, trans and feminist activists are making connections between gender/sexual regulation and border regulation. Indeed, women, queer and trans folk often endure the violence of border controls, whether it be because their family relationships are not recognized across borders, because their ID does not match their gender or because they cannot seek help from violence because they do not have legal status in the country. The increasing imprisonment of migrants—coupled with the tightening of border controls, expanding "security" politics, extended exploitation of non-status workers, and the racist 'war on terror'— not only make it a crime for particular groups of people to move from one place to another, but marks a massive area of prison expansion.

- Every year, about 25,000 asylum seekers, including roughly 2,000 children, are imprisoned under "indefinite administrative detention" in the UK.

- Last year, the UK Border Agency removed a record 4,200 foreign national prisoners, altogether deporting 63,140 migrants from the UK - the equivalent of one every eight minutes.

- In May 2008, the UK Border Agency announced plans for creating up to 60 per cent more spaces to imprison immigrants: 1300-1500 extra detention spaces. This is in addition to the new 420-bed centre at Brook House near Gatwick Airport, new wings at Harmondsworth (near Heathrow) for 370 detainees and 100 new spaces split between Dover and Oakington.

- Many reports describe appalling conditions where immigrants are held. A recent inspection of police facilities in South London, for example, found that the cells used to house immigration detainees in Southwark, were "unfit for use, being both unhygienic and unsafe."

- 7 of the 10 Immigration "Detention / Removal" prisons in the UK are run by for-profit private companies, including Geo Group Ltd (formerly Wackenhut), Serco, Kalyx (previously UKDS and formerly owned by the Corrections Corporation of America), Group 4 Security, and GSL UK Ltd.

- Privatized immigration detention is booming business, as detention centres produce profit margins of more than 20%. In 2006, the New York Times reported that stock prices for two of the largest international prison corporations, the Corrections Corporation of America and Geo— were rising at record rates, up 27% and 68% respectively, between February and July 2006. "What's great about the detention business," said one investor, "is not that it's a brand-new channel of demand, but that it is growing and significant."

- A recent report compiled by an independent monitoring group of lawyers, doctors and volunteers, documented 300 cases of alleged assault against asylum seekers by immigration, escort and security staff. The report, which describes assaults occurring between January 2004 and June 2008, includes racial abuse and injuries ranging from bruises and swollen faces to fractured ribs, wrists and ankles.

Sources: Home Office / UK Border Agency, "Large Scale Expansion of Britain's Detention Estate" 19 May 2008; Save the Children, "No place for a Child" 2005. BBC Online News, "Police Cell condition 'squalid'" 6 August 2008; HM Inspectorate of Prisons, "First Joint Inspection Report on Police Custody Suites, August 6, 2008; New York Times, "Immigration Enforcement Benefits Prison Firms" 19 July 2006, Birnberg Peirce & Partners, Medical Justice and NCADC, "Outsourcing Abuse" Report, 2008.

PSYCHIATRIC IMPRISONMENT

Prison abolition is not just about those who are officially labeled criminals and put into prison. It is about all forms of state-imposed imprisonment, coercion, punishment and control. As such, prison abolition must include psychiatric incarceration. Indeed, the prison system and the psychiatric system have often worked in tandem to lock up, punish and control some of the most socially marginalized and vulnerable people in our communities. For example, the psychiatric establishment has a long history of medicalizing and punishing queer, trans and gender variant people for failing to conform to gender norms. Prisons have also been used as testing grounds for psychiatric experimentation, particularly against women. When North American and European governments in the 70s, 80s and 90s started emptying out mental institutions (in recognition of the widespread injustices and abuses of institutionalization, but also to save money), most did not replace them with adequate supportive-living options and community health programs. As a result, many people with mental health issues have ended up on the streets, only to then find themselves picked up by police and re-institutionalized – in psych hospitals and prisons.

Involuntary committal, is the psychiatric imprisonment of people labeled and believed to be "mentally ill", dangerous to themselves or others, and/or "incapable." Locking up citizens on the belief or opinion they might commit a violent act or criminal offence - without being charged or allowed a trial - is preventive detention, which is prohibited in international law. Many involuntary patients are poor or homeless, with little or no community support. Just as we need safe, alternatives to prisons, we also need viable community alternatives to forced psychiatric incarceration.

What are the connections between the psychiatric and criminal (in)justice systems?

- ✗ Prisoners of both systems are locked up against their will.
- ✗ Prisoners of both systems are denied access to information, wanted services, visits, sex, reproductive freedom, the media, and the public at large.
- ✗ Just as people die in prisons, people die in psychiatric institutions through drug overdoses, improper mixing of drugs, suicide and restraint.
- ✗ Both systems use harmful labels (e.g. "criminal" or "crazy") to demonize people who do not conform to social norms, and to scapegoat individuals for social and economic problems.
- ✗ In both systems public investigations into deaths and human rights abuses do not always occur and state officials are not held accountable for these deaths.
- ✗ Both systems use solitary confinement, sensory deprivation, forced transfers for control.
- ✗ People of colour are overrepresented in both systems.
- ✗ Both systems have a long history of pathologizing queer & gender non-conforming people.
- ✗ Women in both systems are often subjected to more electroshock, more damaging drugs, and longer confinement than men.
- ✗ Both systems use coercive treatment such as drugging without informed and free consent.
- ✗ Both systems claim to be benefiting society while actually promoting hierarchy / oppression.
- ✗ Both systems claim to be helping the prisoner, while, instead, punishing and controlling.

There are many humane and more effective ways to help people in crisis that do not rely on prisons or forced psychiatric treatment: crisis and healing centres, community justice circles, residential-therapeutic houses, and supportive housing. (Source: Adapted from the Coalition Against Psychiatric Assault)

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FAILURES IN THE YOUTH JUSTICE SYSTEM
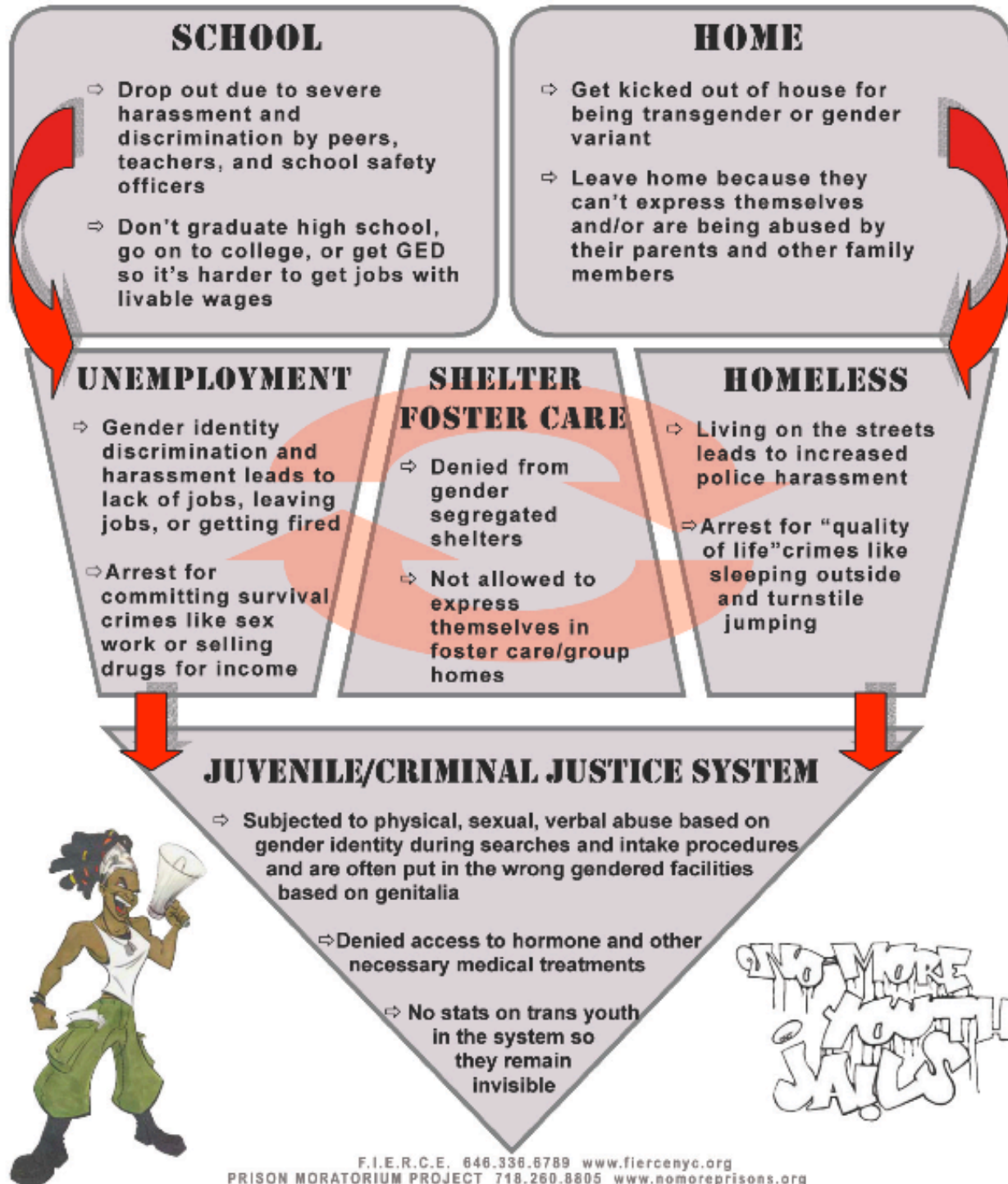## Why Getting Tough on Crime Doesn't Work

While many politicians suggest that "getting tough on crime" will deter crime and protect the public, criminologist have found very little evidence to support this claim. In fact, with respect to youth, the opposite is often true; the tougher the penalty, more harm caused to youth and often the more likely they are to re-offend. And yet the pipeline from schools to prisons is ever expanding. Queer and trans youth in particular, who experience higher rates of bullying and harassment at school, homelessness and unemployment, are increasingly targeted by police and youth (in)justice officials.

❖ According to Criminologists Tony Doob and Carla Cesaroni (2004), criminal justice processing of youth does not reduce the likelihood of reoffending and in some cases may actually *increase* re-offence rates. A growing body of evidence suggests that "the further into the criminal justice system a youth is brought, the more likely there will be a negative impact on that youth."

❖ A study by Donna Bishop (2000) found that transfer of youth to adult court has not necessarily ensured more proportional sentences, nor has it provided more effective deterrence or incapacitation. In fact, Bishop's findings suggested that youth transfers to adult court are often counterproductive; transferred youth were more likely to re-offend and with greater frequency than those not transferred.

❖ Comparative research by David Smith (2005) found that a passive and lenient juvenile justice system can produce the same level of youth offending as an active and punitive one.

❖ Several studies have found that increasing the severity of sanction has no impact on deterring youth crime. According to Nicolas Bala (2003), "because youth, especially those who are prone to coming offences, generally have less foresight and judgement than adults, the deterrent effect of the youth justice system is much weaker than that of adults."

❖ Research has found that in-prison treatment programs have very low success rates. David Smith's (2005) meta-analysis found that the overall reduction in re-offending following in-prison treatment programs was only about five per cent. Out-of-prison programs were much more successful. Aos, Barnoski and Leib (1998) also found that that community-options were not only more effective, but also less expensive.

This is **the worst** classroom in the world

PENITENTIARY
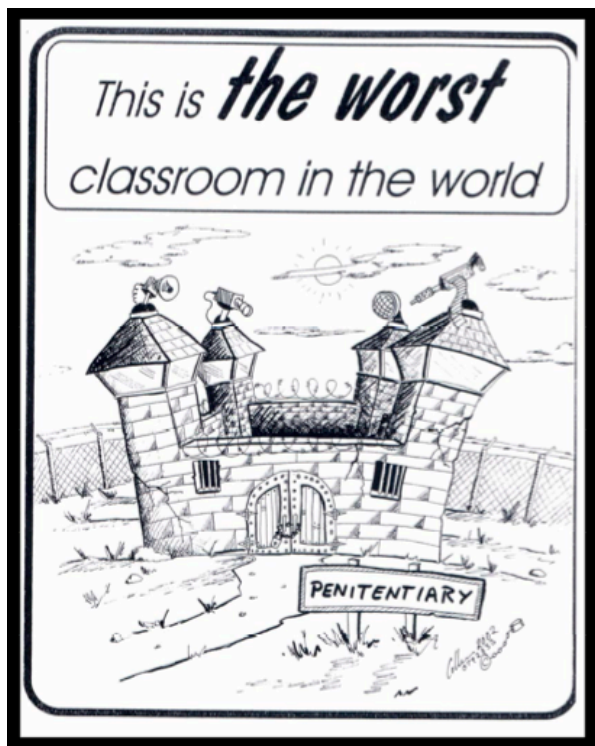
❖ The infamous Cambridge-Summerville Youth Study in the US, serves as an important warning that correctional interventions for youth should be approached with caution. Joan McCord's (2002) research found that participants from the "treatment" group not only had higher criminal conviction rates than the control group, but also exhibited higher rates of alcoholism, schizophrenia, stress-related illness and even premature death.

❖ After reviewing a wide body of literature on the impact of harsh sentences, youth criminologist Tony Doob found no significant evidence exists to support the popular belief that mandatory minimum sentences deter crime.

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TRANSGENDER YOUTH AND THE PRISON INDUSTRIAL COMPLEX: DISRUPT THE FLOW

SCHOOL

⇨ Drop out due to severe harassment and discrimination by peers, teachers, and school safety officers

⇨ Don't graduate high school, go on to college, or get GED so it's harder to get jobs with livable wages

HOME

⇨ Get kicked out of house for being transgender or gender variant

⇨ Leave home because they can't express themselves and/or are being abused by their parents and other family members

UNEMPLOYMENT

⇨ Gender identity discrimination and harassment leads to lack of jobs, leaving jobs, or getting fired

⇨ Arrest for committing survival crimes like sex work or selling drugs for income

SHELTER FOSTER CARE

⇨ Denied from gender segregated shelters

⇨ Not allowed to express themselves in foster care/group homes

HOMELESS

⇨ Living on the streets leads to increased police harassment

⇨ Arrest for "quality of life" crimes like sleeping outside and turnstile jumping

JUVENILE/CRIMINAL JUSTICE SYSTEM

⇨ Subjected to physical, sexual, verbal abuse based on gender identity during searches and intake procedures and are often put in the wrong gendered facilities based on genitalia

⇨ Denied access to hormone and other necessary medical treatments

⇨ No stats on trans youth in the system so they remain invisible

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PRISON MORATORIUM PROJECT 718.260.8805 www.nomoreprisons.org

THE VIOLENCE OF CAGES:
assault, abuse & deaths in custody

SELF-HARM IN PRISON

- In 2007, there were 22,459 recorded incidents of self harm in English & Welsh prisons. This figure includes only those incidents that were officially recorded, and excludes those incidents which prison staff were unaware of or did not take seriously. Self-harm can include overdoses and self-mutilation, such as cutting behaviours, burning, scalding, banging heads and other body parts against walls, hair-pulling and biting.

- In 2006, women accounted of 11,503 or 49% of total recorded incidents of self-harm, even though they form only around 6% of the prison population.

- In 2007, 1,517 immigrant detainees on suicide-watch and there were 157 incidents of self-harm requiring medical treatment.

ASSAULT / ABUSE / LACK OF SAFETY IN PRISON

- An independent inquiry commissioned by the Howard League for Penal Reform found that some of the treatment experienced by children in UK prisons would, in any other setting, be considered abusive and trigger a child protection investigation.

- Between 2004 and 2006, 27% of boys and 19% of girls in penal custody had been physically restrained by staff. Between Jan 2005 and Oct 2006, restraint was used on 676 occasions on boys at Huntercombe prison. 134 occasions resulted in injuries to the child.

- Segregation (solitary confinement) is a form of abuse and it is widely overused in prisons. According to the HM Inspectorate of Prisons Juveniles in Custody report (2004), which surveyed under 18s in prison, 21% of respondents had spent a night in the segregation unit and 60% of these had been restrained by staff.

- Between January 2005 and December 2006, 2,010 boys were held in segregation units in five Young Offender Institutions. Of these, 521 boys were held there for between seven and 28 days and 29 boys were held for more than 28 days.

- In 2007, 40% of Muslim prisoners in England and Wales, compared with 22% of non-Muslims, said they had been victimized by prison staff.

> **On 19th April 2004, Gareth Myatt, a 15-year-old mixed race boy died whilst being restrained by officers in Rainsbrook Secure Training Centre. The inquest into his death heard that, while he was being restrained, the 1.47-metres-tall teenager, who weighed less than 45 kg, was ignored when he tried to warn staff that he could not breathe.**

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DEATHS IN CUSTODY:

- There were 92 apparent self-inflicted deaths among prisoners in England and Wales in 2007. 41 of those who died in 2007 were on remand and 23 were foreign national prisoners. 45% of prison suicides in 2007 were committed by people held on remand (awaiting trial).

- During the last ten years (1997-2007) 840 people have killed themselves in prison.

- 75% of prison suicides which occurred between 2000 - 2004 took place in prison that were overcrowded that month.

- In 2007, 340 people died in psychiatric hospitals while under forced treatment.

In July 1993, Joy Gardner, a Jamaican immigrant to the UK, died after she was restrained by five police officers during a deportation order, leaving behind a 5-year-old son. She was asphyxiated when police used 13 feet of tape to gag and subdue her. The police were later acquitted of manslaughter.

- According to the Social Exclusion Unit, more than 50 prisoners commit suicide shortly after release each year. Men released from prison were 8 times more likely, than the general population to commit suicide. Women were 36 times more likely to kill themselves.

- The Institute of Race Relations documented 221 deaths of asylum seekers and migrants who died either in the UK or attempting to reach the UK between 1989 and 2006. At least 57 of these deaths were suicides, 22 of which took place in prisons, removal centres and psychiatric custody.

- The Institute of Race Relations has documented over 140 cases of black deaths in custody of the police, the prisons, and psychiatric hospitals.

- The monitoring and casework group INQUEST has reported over 2000 deaths in police and prison custody between 1995-2005.

- Despite a pattern of cases where inquest juries have found overwhelming evidence of unlawful and excessive use of force or gross neglect, no police or prison officer has been held responsible, either at an individual level or at a senior management level, for institutional and systemic failures leading to death.

The six deaths of women at Styal prison, Manchester between 10 August 2002 and 12 August 2003 provide devastating examples of systemic failings and institutional neglect in prisons. Despite repeated warnings and inquest recommendations identifying systemic problems that were putting women's lives at risk, no action was taken, leading directly to these women's deaths.

Sources: Defence for Children International, report on *Violence Against Children in Conflict with the Law*, 2008; HM Inspectorate of Prisons, *Juveniles in Custody Report*, 2004; The Prison Reform Trust, *Bromley Briefings Prison Fact File,* June 2008. Independent Online "Mental Health Campaign: Families demand full inquests for deaths in secure hospitals" 27 January 2008); Howard League for Penal Reform, "Why Children Should Not Be Held in Prison"; NACRO; Institute for Race Relations Website, INQUEST Corporate Manslaughter Briefing, 2007.

PROFITTING FROM HARM:
The Prison Industrial Complex

What is the Prison Industrial Complex?

The prison-industrial complex (PIC) describes the network of governmental and private interests that uses prisons as a solution to social, political, and economic problems. It refers to all government branches, agencies and businesses that have a financial, institutional or political interest in maintaining the prison system. It includes interest groups that represent organizations that do business in correctional facilities, such as construction companies, security companies, prison guard unions and surveillance technology vendors, who are more concerned with making money than actually rehabilitating criminals or reducing crime rates. Additionally, some prisons provide free or low-cost labour for state or municipal governments as well as jobs, which can be seen as another profitable side-benefit of building and maintaining a large prison system. The PIC depends upon the oppressive systems of racism, classism, sexism, and homophobia. It includes human rights violations, industry and labour issues, policing, courts, media, community powerlessness, the imprisonment of political prisoners, and the elimination of dissent.

How does the Prison-Industrial Complex Work?

To fully describe the Prison-Industrial Complex, we have to look at the big picture of how it functions. For example, the prison construction boom can be linked to, among other factors, the huge increase in the number of people sentenced to prison terms with the onset of the "war on drugs," the repression of radical movements by people of colour for self-determination, and the anti-imperialist struggles of the 60s, 70s, and 80s. The "war on drugs" and the national and local efforts to destroy radical political movements led to increasing police presence in communities of color and poor communities, higher arrest rates, and longer prison sentences.

This boom is also fuelled by dramatic and racist reporting about "crime," "delinquency," and "rebellion," creating a culture of fear in which it continues to be acceptable to lock people (primarily people of colour, youth, and poor people) in cages for longer and longer in the interest of "public safety."

Writing for The Atlantic Monthly in December 1998, Eric Schlosser said that "The prison-industrial complex is not only a set of interest groups and institutions. It is also a state of mind. The lure of big money is corrupting the nation's criminal justice system, replacing notions of safety and public service with a drive for higher profits. The eagerness of elected officials to pass tough on crime legislation — combined with their unwillingness to disclose the external and social costs of these laws — has encouraged all sorts of financial improprieties."

What is Prison Privatization?

Private prisons, jails and detention centres are like public / government-run facilities, except that they are built, run (and sometimes owned) by corporations for the sole purpose of profit. Like other corporations, private prison companies have a "fiduciary responsibility" to their shareholders, which is another way of saying that they are legally obligated to act first and foremost in the interest of those shareholders.

Prison profit raises two main concerns. The first is that those who profit from prisons will try to exploit the ultimate "captive market" by enriching themselves at the expense of prisoners and their families, usually by providing inadequate services and/or charging inflated prices. The second, and even more serious, concern is that those who profit from prisons will attempt to influence criminal justice policy in order to guarantee a steady flow of prisoners and profits.
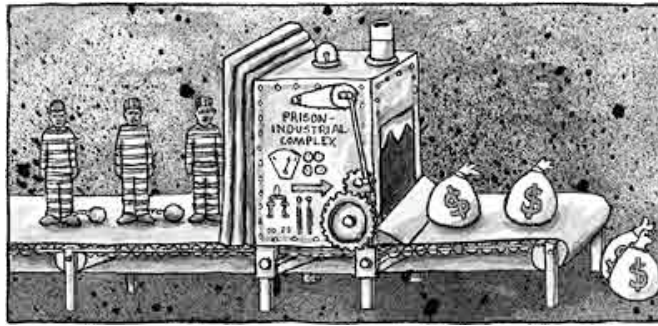
The Prison Industrial Complex in the UK

- The UK has the most-privatized prison system in all of Europe. There are 11 privately run prisons in the UK, plus 7 privately-run immigration detention prisons. All 4 of the "Secure Training Centre" prisons for children are privately run, as are many Young Offender Prisons. The new Titan prisons will likely be privately financed, designed, built and run.

- A small handful of global corporations run/own UK prisons: Group4 Security, GEO Group Ltd (formerly Wackenhut) Serco, Securicor, Kalyx (formerly named UKDS and previously owned by the Corrections Corporation of America, now owned by Sodexho), Global Solutions Limited (GSL UK). The long list of aliases and subsidiaries used by these companies, as well as the perpetual mergers, sell-outs, buy-backs and re-branding, which characterise the industry, make it extremely difficult to keep track of which company has a stake in which UK facility.

- Privately run prisons have worse conditions and more security problems than public ones. A recently leaked Prison Service report, ranked 10 of the 11 private prisons in the bottom quarter and found that private prisons were consistently worse than public ones. Private prisons have higher rates of violence, higher staff turnover, problems with public monitoring.

- Private prison companies actively influence criminal justice policies to benefit their interests; namely, by maintaining a steady flow of prisoners and prison dollars. The Corrections Corporation of America, for example, played a key role in introducing private prisons in the UK

- An average of 10,000 prisoners are "employed" in nearly 300 prison workshops for a range of industries that include clothing, textiles, woodwork, engineering, print and laundries.

- The average rate of pay for employed prisoners is £8 per week. The minimum rate of pay, set by the Prison service, is currently £4 per week.

- Around 40% of the 10,000 employed prisoners work for "contract services" which produce goods and services for an external, commercial market. This can range from laundry contracts for hospitals, to manufacturing camouflage jackets for the Ministry of Defence.

COMPANIES PROFITTING FROM UK PRISON LABOUR
- **Airsprung Beds** to manufacture mattresses/bedframes for sale at Argos
- **Armitage Petcare**, which sells products to Tesco, Asda & Pets at Home
- **ASD Ligthing**, which supply electric wholesales to B&Q
- **MacMillion books** uses prisoners to handle the book returns
- **Summit Media** uses prisoners for their media centre contracts with Argos, Microsoft UK, Lycos, Powergen.
- **Virgin Airways** has used prison labour to repack in-flight earphones
- **Wilkison Hardware** has used prison labour to make tools

Sources: Prison Reform Trust, Prison Factfile, 2008; Critical Resistance; Campaign Against Prison Slavery; Nathan, 2008 "Blind Faith in Private Prisons" the Independent Monitor, March 2008. No Borders "Detention Profiteers" 2007.

<u>10 REASONS TO ABOLISH PRISONS</u>

1. Prisons perpetuate and enable violence.

Prisons are violent institutions. People in prison experience brutal human rights abuses, including sexual assault, rape, harassment and medical neglect. Aside from these violations, the act of putting people in cages is a form of violence in itself. Such violence leads to extremely high rates of self-harm and suicide, both inside the prison, and following release. The current prison system severely damages the people it imprisons and harms the communities most affected by it. People who are incarcerated under degrading conditions often return to society more unstable than when they went in. This paves the way for more violence.

2. Prisons don't reduce crime.

Putting people in cages does not solve any of the problems that lead to harm, like drug abuse, poverty, violence, or mental illness. Numerous studies show that places with more prisoners and prisons do not have lower crime rates than other places. Indeed, countless studies – even those conducted by independent criminologists and conservative governments – have found that prisons don't reduce crime. As the Daubney Commission (appointed by a Conservative government) found in Canada, "imprisonment has not been effective in rehabilitating or reforming offenders, has not been shown to be a strong deterrent, and has achieved only temporary public protection and uneven retribution." In the UK, approximately 65% of prisoners are reconvicted within two years of being released. In order to reduce harm we must change the social and economic conditions under which the harm takes place. Focusing on creating safe and stable conditions - instead of policing and imprisonment - reduces harm.

3. Prisons don't meet the needs of victims/survivors of violence.

Victims of violence repeatedly say that the justice system doesn't work for them. First of all, many serious social harms don't count as crime or are sanctioned by the legal system (such as poverty, war, exploitation). Second, many people who experience violence feel unable to report it (such as sexual assault, domestic violence, child abuse, hate crimes). Third, when people do go through the legal system, they often feel excluded from the court process, revictimized by lawyers and unsatisfied with results. This is partly because the legal system responds to crime by asking: Who did it, and how can we punish them? By contrast, prison abolitionists ask: Who was hurt? How can we heal them? How can we prevent such harm in the future? Focusing on these latter questions means that prison abolitionists can take victims concerns seriously, prioritize healing and emphasize prevention.

4. Prisons tear apart families and communities.

Prisons not only cause damage to those who are imprisoned, but also to their families and communities. Separating people from their home communities and isolating them in abusive and violent environments can make pre-existing problems worse. Many prisoners lose their jobs, homes and possessions during custody. Many prisoners break up with their partners, lose custody of their children and lose contact with their families and support networks during incarceration. The prison system claims that it is about safety and order, but it often causes more disruption and violence than the original problem. How can we build safe, strong communities when people are constantly being taken out of them?

5. Prisons are expensive.

It costs approximately £112 per day (£40,992 per year) to keep a person in prison in England and Wales. Prisons drain vital resources from health care, education, housing and social programs, which better address root causes of crime. The cost of alternatives to prison, such as probation, bail supervision and community supervision orders, can range from £5 to £50 per day.

6. Prisons are racist and anti-immigrant.

The prison system disproportionately punishes and imprisons people of colour, immigrants, and foreign nationals. People of colour are subject to more police searches, more charges, and harsher sentences than white people. People of colour are disproportionately imprisoned for drug related charges, even though people of colour use drugs at similar or lower rates than whites. People without citizenship status are criminalized, punished and locked up just for trying to live in the same country as their family, trying to find a better paying job, or trying to escape from discrimination and persecution in another country. People without citizenship who are convicted of crimes are doubly punished; following criminal punishment, they are often deported, regardless of how long they've lived in the UK or what conditions they might face in being sent elsewhere.

7. Prisons reinforce oppressive gender and sexual norms.

Prisons intensify violence against women, queers and trans people, and support a culture of misogyny, domination, homophobia and transphobia. Women, trans and queer people in prison experience extreme medical neglect, sexual harassment and abuse—and many go to prison in the first place for protecting themselves against an abuser. Women in prison often lose custody rights of their children, and are denied reproductive choice. Sex-segregated prisons restrict people's right to determine their own gender identity and sexuality. Prisoners who don't identify as 'male' or 'female' or who are gender-non-conforming are often forced into solitary confinement or share a cell with prisoners of a different gender, with no regard for their safety.

8. Prisons harm young people.

Youth make up a disproportionate percentage of the UK prison population. A large proportion of youth in prison experience violence from peers and staff. Criminalized youth also experience more barriers in getting an education and finding a job later on. A large proportion of youth end up in prison as adults, where they are more likely to be classified as dangerous because of their youth record. Prison has a particularly negative effect on young people and often increase the risks of future criminalization. In effect, locking up youth creates repeat customers for the prison industrial complex.

9. Prisons exploit imprisoned people's labour and make profit for corporations.

Prisoners are paid pennies a day to work for private companies and public industries in a form of legalized slave labour. Private companies that finance, build and run prisons make a profit from crime and effectively exploit other people's suffering and misery. Prisons are also toxic environments for workers; prison jobs have high turnover rates, high rates of sick leave and higher rates of depression, stress and anxiety.

10. Prisons are not necessary: real alternatives exist.

The prison industrial complex did not always exist. It has taken about 200 years to build it up. Yet there are still many places where people rely on each other to solve problems instead of police, courts and cages. But we can't get rid of prisons without making dramatic changes to the systems that lead people to prison. We need to build safe, stable environments that don't depend on punishment and domination. If creating better environments can't keep some people from harming others, we do need to have something in place to help those involved get meaningful justice and resolution. The prison system does not get this job done. Restorative and transformative justice practices which do not depend on our current policing and court systems may be one way of settling damage that happens between people. Decarceration is widely recognized as an important step: numerous prisoners don't need to be in prison. This means many people could be out now - among their family and friends, making positive contributions to their communities. Shoulder to shoulder, we can all learn together how to live in healthy ways that don't harm anyone.

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ALTERNATIVES TO PRISONS

There are many alternatives to prisons. Some common approaches are listed here. Some avoid the penal system altogether, while others involve forms of incarceration or state supervision that are seen as an improvement to prisons, or a step towards abolition. None of these approaches offer a simple or easy solution to the complex problem of harm in our communities but these responses tend to be more effective, less expensive and less harmful than prison. It is also important to remember that from an abolitionist perspective a 'good alternative' is one that moves away from retribution/punishment-for-punishment sake and addresses root causes of crime/social problems.

Housing:

★ Community Resource Centres, which are homes for people serving the last part of their sentences. Designed to de-institutionalize people gradually.
★ Bail Residences, for people who are awaiting trial.
★ Halfway homes, voluntary supported housing for ex-prisoners
★ Therapeutic residences, for substance use or psychiatric treatment

Community Supervision:

★ Bail supervision, instead of being in jail pre-trial
★ Probation, a court order that a person convicted of a crime must be supervised in the community
★ Parole, supervision for people who have served part of a prison sentence and are being released

Restoration:

★ **Financial:** paying a settlement or restitution to a victim, or paying a fine to the 'community'
★ **Service:** community service work orders, usually combined with probation orders or fine option programs, to pay a fine through community service

Treatment:

★ Alcohol and drug treatment programs, mental health programs
★ Programs which increase access to general health care, and mental health care

Legal Restraint Remedies:

★ **Legislation:** decriminalization of "victimless" crimes, placing a cap on the number of people to be incarcerated in a given area so that when the prison becomes full those closest to their release dates are automatically released

- ★ **Police Discretion:** giving warnings for minor offences rather than charging people

- ★ **Court:** the court can decide to erase a criminal record and drop charges if the "offender" takes responsibility for the charge and does not repeat the act. Alternative Sentence Planning, in which a community agency develops an individual plan combining treatment, supervision, housing, and restoration

- ★ **Partial Prison Release:** Immediate Temporary Absence passes, for sentenced people who have jobs, allow time to be served on weekends and evenings so that they can keep their jobs. Early parole involves planning for parole as soon as a minor offender enters the prison so that they can be released quickly

Cooperative Solutions:

- ★ **Community Conflict Resolution:** Trained outside mediators intervene to facilitate dialogue when a conflict occurs, within the community. This can prevent crime by addressing the root of the conflict before a crime occurs.

- ★ **Victim Offender Reconciliation:** Brings offenders and victims together to understand the facts, heal, and find resolution. Unlike the court system, which doesn't allow for victim-offender interaction, the reconciliation gives space for both parties to hear each other's feelings and explore the consequences of their actions.

- ★ **Diversion:** Programs that usually deal with first-time offenders, diverting the case before it reaches the courts. The person must accept responsibility for the offence and meet with a worker to plan a response. The person takes initiative to develop a plan for education, work, treatment, and compensation.

- ★ **Community/Family Group Conferencing:** Typically used with children and youth, Conferencing is rooted in Indigenous (Maori) justice practices. The entire community affected by a crime comes together to share their perspectives; bringing accountability for the offender and the community, compassion for the victim, and an examination of the situation's social roots.

- ★ **Sentencing Circles:** A gathering of elders and community to respond to a crime, including all the affected and respecting everyone's input. Native sentencing circles in Canada are bound by the limits of Canadian courts and subject to overruling.

- ★ **Circles of Support and Accountability (COSA):** A team of people who are gathered to support high risk violent offenders when they return to the community. The team seeks to enhancing public safety by covenanting, meeting and working daily in friendship with the person to avoid relapse. COSAs have shown remarkable success in working with pedophiles and sex offenders, reducing recidivism by as much as 70%.

- ★ **Community responses to sexual assault and intimate violence:** Many communities, particularly those who are already over-policed and over-criminalized, are developing alternative responses to sexual assault and intimate violence, which do involve the police or criminal (in)justice system. These community models are based on providing physical and emotional safety and support for a people who have experienced intimate violene, including both e who have experienced intimate violence, both for the survivor and the perpetrator. For a fantastic 'zine on how to engage in such alternative processes, contact: feministselfdefence@yahoo.co.uk

PRISON ABOLITION: FREQUENTLY ASKED QUESTIONS

What is prison abolition?

The aim of the **prison abolition** movement is to eliminate prisons, jail, immigration detention centres and prisoner of war camps by implementing alternatives which are more effective and humane. **Penal abolition** extends prison abolition further, by challenging the logic of punishment that underpins imprisonment. Penal abolition challenges people to question the use of any form of punishment as a legitimate response to harm, violence or conflict. The term "abolitionist" comes from those who worked to abolish slavery in the 1800s. Abolitionists believed that slavery could not be fixed or reformed. It needed to be abolished. Similarly today, penal abolitionists do not believe that the prison industrial complex can be reformed. It must be abolished. As Rose Braz describes: "Abolition means a world where we do not use prisons, policing and the larger system of the prison industrial complex as an "answer" to what are social, political and economic problems. Abolition means that instead we put in place the things that would reduce incidents of harm at the front end and address harm in a non-punitive manner when harm does occur. Abolition means that harm will occur far less often and, that when harm does occur, we address the causes of that harm rather than rely on the failed solutions of punishment. Thus, abolition is taking a harm reductionist approach to our society's problems."
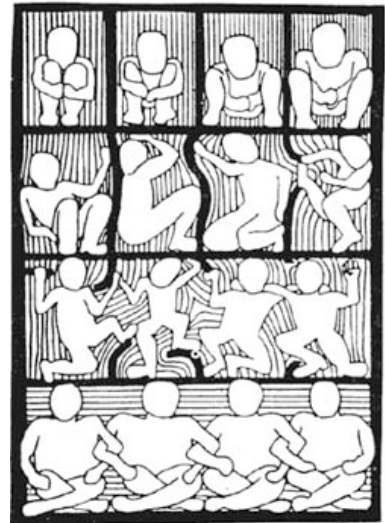
Isn't penal abolition dangerous? What about all the murderers & rapists out there?

Politicians and media make us feel as though we are constantly at risk of becoming the victims of horrible violent crimes. Yet murder and rape make up only a small percent of overall crime -- less than 1% of all criminalized offences. Of that 1% percent, an even tinier number of people murder more than one person. All that being said, what should be done with those dangerous few? People who have committed a series of dangerous, violent acts need to be protected from their own impulses as much as we need to be protected from them. Community treatment, support and monitoring options are much more effective than prisons. Circles of Support and Accountability, for example, have been shown to have much better results in treating sex offenders than prison-time or electronic surveillance techniques. In the rare cases where isolation from the rest of society is necessary, such separation must occur in environments completely different from our prisons, which are incubators of violence.

What about victims of crime? How are their needs met by penal abolition?

Victims of harm tend to have 5 basic needs: 1) Answers; 2) Recognition of the Wrong; 3) Safety; 4) Restitution; 5) Significance. In our current retributive system, none of these needs are met. Even if victims want to meet with their victimizers to get answers, this is often not allowed by the court. Victims' participation in the court process is often limited to victim impact statements, which may be ignored in sentencing. Victims can be re-victimized by police and defense lawyers or made to feel shame or blame. Often, simply incarcerating someone does not give the victim a greater feeling of safety. In participatory /transformative justice processes, victims are full participants. If the victim feels safe doing so, he/she comes together with the offender and community support people to come up with a solution that benefits everyone. The victim can ask the offender questions and can express how they were impacted by the crime. They are able to hear the offender take responsibility and express remorse for their actions. Also, the decision about the form restitution will take is based primarily on the needs of the victim. In this way, participatory / transformative processes ensure that the basic needs of victims are met.

How will people be held accountable for their crimes?

People often assume that abolitionist solutions to crime do not require people to be accountable for their actions. This could not be further from the truth. In fact, it is our current system that lacks accountability. Our current system says that the primary response to crime is revenge, which takes the form of punitive sanctions like incarceration. In the adversarial court system, lawyers often focus on winning their case, which isn't necessarily the same as serving justice. If someone has the money for a good lawyer, it is more likely they will be acquitted, whether or not they are guilty. We also know that the current system unfairly targets people of colour, poor people, youth and other marginalized groups, even though crimes are committed by people of all races, classes and backgrounds. Where is the accountability or justice in this system? By contrast, alternative justice processes focus on accountability. If an accused person wants to take part in an community justice process, they must first take responsibility for their actions. This, along with the victim's willingness to participate, is the cornerstone of any participatory/transformative justice model. Locking people in cages does not produce accountability. True accountability means that individuals, institutions and communities more broadly must take responsibility for harms that occur and for providing community needs. Accountability means providing support for both the persons harmed and the persons who cause harm. It means repairing the harm that has been done and preventing future harms.

Penal abolition seems too idealistic. Is it really practical?

Like prison abolition, the abolition of slavery was once considered unimaginable and idealistic. Yet 12 individuals who first met in a London printing shop in 1787 managed to create enough social turbulence that 51 years later, the slaves ships stopped sailing in Britain. Alternatives to prison do exist. It is important to note that although many of the alternative processes we see being utilized today are touted as "new", many are taken from traditional Aboriginal justice practices. As Kate J. Burkhardt notes, aboriginal models of justice are "devoted towards simultaneous consideration of the needs of the victim, offender, and community. Of greatest importance, traditional practices sought to empower disputants to seek healing through equality and preservation of relationships." In order to achieve abolition, we have to transform the way we think about crime. Most abolitionist do not advocate simply opening up the doors of the prisons and letting everyone out. Abolitionists recognize that larger systemic structures of oppression must be addressed to eliminate prisons. So we must begin process of decriminalization, decarceration and abolition. Some practical steps towards shutting down the penal system are:

> "Abolition means creating sustainable, healthy communities empowered to create safety and rooted in accountability, instead of relying on policing, courts, and imprisonment, which are not creating safe communities."
>
> Rose Braz, Critical Resistance

- Decriminalize non-violent crimes.
- Halt all new construction of prisons, jails, juvenile custody and detention homes
- Provide treatment instead of prison time for people with addictions and mental health issues
- Fund housing alternatives like halfway houses, bail residences and therapeutic residences
- Promote community supervision including bail supervision, probation and parole
- Phase out prisons and phase in restoration models including financial restoration (civil court, fines, restitution) and service restitution (fine options, community service work orders)
- Use cooperative solutions like conflict resolution, victim offender reconciliation, diversion, community group conferences

BUILDING SAFE COMMUNITIES: ABOLITION IN PRACTISE

Prison abolition is not some utopian idea or activist pipedream. It is not a call to suddenly fling open the prison doors without enacting alternatives. Nor does it require that we wait for a revolution before we start changing things. Abolitionists have practical ideas to reduce harm, build alternatives, reduce the need for prisons and eventually eliminate the prisons altogether. There are many models of abolition, but here's one approach:

MORATORUM: Ban all prison expansion.

Call for an immediate halt to all forms of prison expansion, including building new prisons or jail spaces, increasing prison budgets or hiring more prison staff. Redirect money to community-based alternatives. Stop all new laws that result in prison time (e.g. hate crime laws, minimum sentences or extended detention powers). Create time and space to develop alternatives.

DECARCERATE: Get people out of prison.

Release as many people from prison as possible and redirect them to alternatives. Start with children, the elderly, people with mental health issues, women and trans persons, people who have committed non-violent offences. Those who need no supervision or support should be released at once. Those who need no supervision but do need support and services should be released to community peer support groups through contractual arrangements. Those needing supervision should be paroled with arrangements for transfer as soon as possible to community services by contract. Gradually release and redirect more and more people. Use a time line of release goals: 50% immediately, 25% within 5 years, 10% within 10 years, etc.
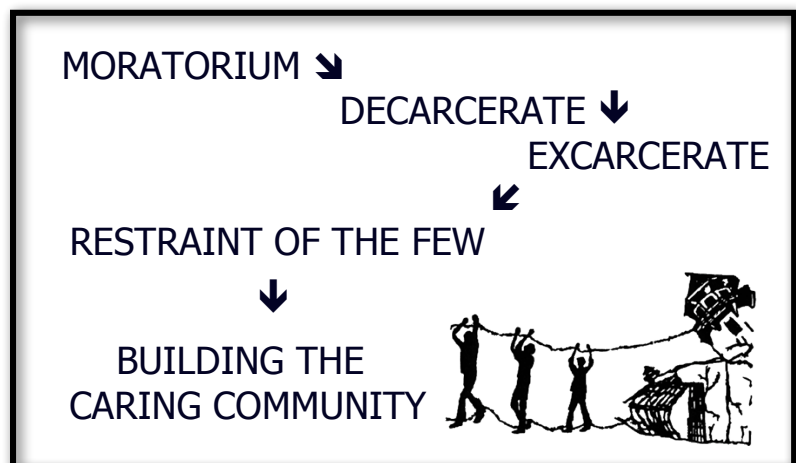
EXCARCERATE: Stop putting people in prison.

Stop holding people in pre-trial detention and develop alternatives such as bail houses and community supervision. Stop detaining immigrants and those who have not be charged with crime. Put caps on the number of people who can be sent to prison. Reduce the maximum length of sentences. Abolish indeterminate sentences and mandatory minimum sentences. Decriminalize sex work and drug laws. Redefine categories of crime so that minor offences do not result in prison sentences. Provide options for prisoners to make restitution.

RESTRAINT OF THE FEW: Develop harm reduction & monitoring responses.

Develop a monitoring and review procedure for the very small percentage of people who need to be limited in movement for some periods of time in their lives. The process should aim to work out the least restrictive and most humane option for the shortest period of time.

BUILDING THE CARING COMMUNITY: Invest in social & economic justice.

Create a network of community supports. Invest in social housing, education, youth services, health care, community-based mental health programs, and employment. Provide victim assistance. Develop restitution /compensation programs. Develop non-punitive responses to harm and mechanisms of social accountability in the community.

MORATORIUM ↘
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BUILDING THE
CARING COMMUNITY

Adapted from *Instead of Prisons: A Handbook for Abolitionists*

Critical Resistance - INCITE! Statement (2001)

Gender Violence
and the Prison Industrial Complex

We call social justice movements to develop strategies and analysis that address both state AND interpersonal violence, particularly violence against women. Currently, activists/movements that address state violence (such as anti-prison, anti-police brutality groups) often work in isolation from activists/movements that address domestic and sexual violence. The result is that women of color, who suffer disproportionately from both state and interpersonal violence, have become marginalized within these movements. It is critical that we develop responses to gender violence that do not depend on a sexist, racist, classist, and homophobic criminal justice system. It is also important that we develop strategies that challenge the criminal justice system and that also provide safety for survivors of sexual and domestic violence. To live violence free-lives, we must develop holistic strategies for addressing violence that speak to the intersection of all forms of oppression.

The anti-violence movement has been critically important in breaking the silence around violence against women and providing much-needed services to survivors. However, the mainstream anti-violence movement has increasingly relied on the criminal justice system as the front-line approach toward ending violence against women of color. It is important to assess the impact of this strategy.

1. Law enforcement approaches to violence against women MAY deter some acts of violence in the short term**. However, as an overall strategy for ending violence, criminalization has not worked.** In fact, the overall impact of mandatory arrests laws for domestic violence have led to decreases in the number of battered women who kill their partners in self-defense, but they have not led to a decrease in the number of batterers who kill their partners. Thus, the law protects batterers more than it protects survivors.

2. **The criminalization approach has also brought many women into conflict with the law**, particularly women of color, poor women, lesbians, sex workers, immigrant women, women with disabilities, and other marginalized women. For instance, under mandatory arrest laws, there have been numerous incidents where police officers called to domestic incidents have arrested the woman who is being battered. Many undocumented women have reported cases of sexual and domestic violence, only to find themselves deported. A tough law and order agenda also leads to long punitive sentences for women convicted of killing their batterers. Finally, when public funding is channeled into policing and prisons, budget cuts for social programs, including women's shelters, welfare and public housing are the inevitable side effect. These cutbacks leave women less able to escape violent relationships.

3. **Prisons don't work.** Despite an exponential increase in the number of men in prisons, women are not any safer, and the rates of sexual assault and domestic violence have not decreased. In calling for greater police responses to and harsher sentences for perpetrators of gender violence, the anti-violence movement has fueled the proliferation of prisons which now lock up more people per capita in the U.S. than any other country. During the past fifteen years, the numbers of women, especially women of color in prison has skyrocketed. Prisons also inflict violence on the growing numbers of women behind bars. Slashing, suicide, the proliferation of HIV, strip searches, medical neglect and rape of prisoners has largely been ignored by anti-violence activists. The criminal justice system, an institution of violence, domination, and control, has increased the level of violence in society.

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4. The reliance on state funding to support anti-violence programs has increased the professionalization of the anti-violence movement and alienated it from its community-organizing, social justice roots. **Such reliance has isolated the anti-violence movement from other social justice movements** that seek to eradicate state violence, such that it acts in conflict rather than in collaboration with these movements.

5. The reliance on the criminal justice system has **taken power away from women's ability to organize collectively** to stop violence and has invested this power within the state. The result is that women who seek redress in the criminal justice system feel disempowered and alienated. It has also promoted an individualistic approach toward ending violence such that the only way people think they can intervene in stopping violence is to call the police. This reliance has shifted our focus from developing ways communities can collectively respond to violence.

In recent years, the mainstream anti-prison movement has called important attention to the negative impact of criminalization and the build-up of the prison industrial complex. Because activists who seek to reverse the tide of mass incarceration and criminalization of poor communities and communities of color have not always centered gender and sexuality in their analysis or organizing, we have not always responded adequately to the needs of survivors of domestic and sexual violence.

1. Prison and police accountability activists have generally organized around and conceptualized men of color as the primary victims of state violence. **Women prisoners and victims of police brutality have been made invisible by a focus on the war on our brothers and sons.** It has failed to consider how women are affected as severely by state violence as men. The plight of women who are raped by INS [border] officers or prison guards, for instance, has not received sufficient attention. In addition, women carry the burden of caring for extended family when family and community members are criminalized and warehoused. Several organizations have been established to advocate for women prisoners; however, these groups have been frequently marginalized within the mainstream anti-prison movement.

2. **The anti-prison movement has not addressed strategies for addressing the rampant forms of violence women face in their everyday lives**, including street harassment, sexual harassment at work, rape, and intimate partner abuse. Until these strategies are developed, many women will feel shortchanged by the movement. In addition, by not seeking alliances with the anti-violence movement, the anti-prison movement has sent the message that it is possible to liberate communities without seeking the well-being and safety of women.

3. **The anti-prison movement has failed to sufficiently organize around the forms of state violence faced by LGBTI communities.** LGBTI street youth and trans people in general are particularly vulnerable to police brutality and criminalization. LGBTI prisoners are denied basic human rights such as family visits from same sex partners, and same sex consensual relationships in prison are policed and punished.

4. While prison abolitionists have correctly pointed out that rapists and serial murderers comprise a small number of the prison population, **we have not answered the question of how these cases should be addressed.** The inability to answer the question is interpreted by many anti-violence activists as a lack of concern for the safety of women.

5. The various alternatives to incarceration that have been developed by anti-prison activists have generally failed to provide sufficient mechanism for safety and accountability for survivors of sexual and domestic violence. **These alternatives often rely on a romanticized notion of communities, which have yet to demonstrate their commitment and ability to keep women and children safe** or seriously address the sexism and homophobia that is deeply embedded within them.

We call on social justice movements concerned with ending violence in all its forms to:

1. **Develop community-based responses to violence that do not rely on the criminal justice system AND which have mechanisms that ensure safety and accountability for survivors of sexual and domestic violence.** Transformative practices emerging from local communities should be documented and disseminated to promote collective responses to violence.

2. **Critically assess the impact of state funding on social justice organizations** and develop alternative fundraising strategies to support these organizations. Develop collective fundraising and organizing strategies for anti-prison and anti-violence organizations. Develop strategies and analysis that specifically target state forms of sexual violence.

3. **Make connections** between interpersonal violence, the violence inflicted by domestic state institutions (such as prisons, detention centers, mental hospitals, and child protective services), and international violence (such as war, military base prostitution, and nuclear testing).

4. Develop an analysis and strategies to end violence that do not isolate individual acts of violence (either committed by the state or individuals) from their larger contexts. These strategies must address how entire communities of all genders are affected in multiple ways by both state violence and interpersonal gender violence. **Battered women prisoners represent an intersection of state and interpersonal violence and as such provide and opportunity for both movements to build coalitions and joint struggles.**

5. Put poor/working class women of color in the center of their analysis, organizing practices, and leadership development. Recognize the role of economic oppression, welfare "reform," and attacks on women workers' rights in increasing women's vulnerability to all forms of violence and locate anti-violence and anti-prison activism alongside efforts to **transform the capitalist economic system.**

6. **Center stories of state violence committed against women of color in our organizing efforts.**

7. **Oppose legislative change that promotes prison expansion,** criminalization of poor communities and communities of color and thus state violence against women of color, even if these changes also incorporate measure to support victims of interpersonal gender violence.

8. **Promote holistic political education** at the everyday level within our communities, specifically how sexual violence helps reproduce the colonial, racist, capitalist, heterosexist, and patriarchal society we live in as well as how state violence produces interpersonal violence within communities.

9. **Develop strategies for mobilizing against sexism and homophobia** WITHIN our communities in order to keep women safe.

10. **Challenge men of color and all men in social justice movements to take particular responsibility** to address and organize around gender violence in their communities as a primary strategy for addressing violence and colonialism. We challenge men to address how their own histories of victimization have hindered their ability to establish gender justice in their communities.

11. **Link struggles for personal transformation and healing with struggles for social justice.**

We seek to build movements that not only end violence, but that create a society based on radical freedom, mutual accountability, and passionate reciprocity. In this society, safety and security will not be premised on violence or the threat of violence; it will be based on a collective commitment to guaranteeing the survival and care of all peoples.

PRINCIPLES OF PRISONERS JUSTICE ACTIVISM

1. Emphasizes the value of prisoners' direct experiences with the prison system. Prisoners' knowledge is central to organizing and the particular experiences of First Nations communities and people of colour, especially women, are integral and direct the work.

2. Prisoners must have a voice about who they are and what they experience. Outside supporters commit to listen and amplify what prisoners have to say. Allies endeavour to shed light about what happens behind bars to the public.

3. Recognizes the expertise of prisoners inside to identify their own needs, both within the prison environment and in transition to the general community. Assists prisoners in building their own strengths.

4. Pays attention to larger structures of social oppression, including racism, classism, sexism, transphobia, homophobia, colonialism and ableism. Recognizes that the prison system, while at times espousing rehabilitation as its stated purpose, is abusive, isolating and built on the destruction of Indigenous communities. Questions and investigates who benefits from the penal system.

5. Builds relationships of trust with prisoners, their families and communities. Keeps confidences. Challenges stigma against prisoners and their families.

6. Recognizes that prisoners may have a variety of complex issues they struggle with and that they don't have the same access to multiple supports.

7. Organizes with clear goals (ie. abolition of prisons and penal systems) that underlie all aspects of organizing and all areas of activity (direct action, campaigns, legal reform, education, service provision, etc.).

8. Committees include ex-prisoners and family members with representation from a diversity of experiences and identities. Activists meet regularly with prisoners to identify gaps and high-needs areas. Asks prisoners first for ideas about remedies.

9. Activism is independent and autonomous of government and all prison administration and authorities. Never accepts funding from the correctional system. May need to deal with prison staff to gain access to prisoners but does not become comfortable with guards or administration.

10. Supports the work of anti-poverty and anti-occupation activists and makes links to communities who work to end immigrant and refugee detention and other forms of state custody and violence.

11. Is realistic about how much can be taken on and takes responsibility for learning mistakes.

PRISONERS JUSTICE:
10 Things You Can Do Today

1. **LANGUAGE:** Pay attention to words you use to describe people in prisons; the term 'criminal' implies that the person is harmful, while 'prisoner' means someone who is kept in a cage against their will.

2. **LINK-UP:** Start thinking about prisoners as allies. Write to prisoners. Build Solidarity. Share anger about prison oppression instead of pitying prisoners.

3. **READ-UP:** Learn how to become an ally to prisoners by listening to or reading prisoner's words.

4. **STUDY:** Learn more about alternatives to prison, such as participatory / transformative justice practices.

5. **KEEP LEARNING:** Check out documentary films, CDs, books and other writings made by prisoners and allies that give you current information on prison issues.

6. **PREVENT:** Consider calling a neighbor, family member or friend instead of police - when there is a problem. Call someone who can come quickly and help tone things down to come up with a comfortable solution. Plan for this! It can be as simple as asking someone, "If I ever needed you, could I call?" or telling someone, "If you ever need someone, you could call me."

7. **ORGANIZE:** If you belong to an organization, make coalitions with groups who are working to abolish prisons.

8. **ADVOCATE:** Speak out against prison expansion and new prison construction.

9. **SUPPORT:** To help folks stay out of the system, work to take down barriers to housing and jobs faced by people coming home from prison.

10. **CREATE:** If you are an artist, writer, or musician, create work that gets people talking about the problems with the prison system and thinking about prison abolition. Support artists who do the same.

FURTHER RESOURCES

ACTIVISM / ORGANIZING

★ **No More Prison**
UK prison abolition network. Website includes lots of excellent resources and a good list of weblinks to prisoners justice groups in the UK. http://www.alternatives2prison.ik.com/

★ **Critical Resistance**
One of the leading movements in the United States to abolish prisons; incorporates a broad anti-oppression framework and has excellent online resources. www.criticalresistance.org

★ **INCITE! Women of Colour Against Violence**
INCITE is one of the most inspiring feminist groups in the US today - it's main goal is to work toward ending all forms of violence against women using strategies that do not rely on or reinforce the prison system. www.incite-national.org

★ **No Borders Network & No One Is Illegal**
Two groups which fight against immigration detention and organize in support of immigrants, refugees and asylum seekers. http://noborders.org.uk/ & http://noii.org.uk/

★ **Stop Prison Rape**
US organization which works to end sexual violence in all forms of detention. Includes testimony from survivors of sexual assault in detention plus organizing resources. www.spr.org

★ **Sylvia Rivera Law Project**
A collective in New York which works to end discrimination and oppression of gender non-confoming people. Has lots of excellent resources focused on prison/policing issues faced by transgender and gender-variant people. http://www.srlp.org/

★ **Prison Activist Resource Centre**
Mostly North American focused, but includes a very comprehensive list of links for prisoner-justice related organizations and resources. www.prisonactivist.org

★ **Anarchist Black Cross**
Anarchist organizing for the support, defence and freedom or prisoners, particularly political prisoners. www.anarchistblackcross.org & www.abcf.net

★ **Against Repression Against Prisons**
An anti-repression group in Berlin, which focuses primarily on queer and transgender people and police / prison. www.arap.so36.net

★ **PrisonBlogs.net**
A project which provides free blog space for prisoners voices. Includes posts from prisoners all over the world. http://prisonblogs.net/drupal/

★ **Sisters Inside**
An Australian group which advocates for and with women in prison. http://www.sistersinside.com.au/

BOOKS / READINGS

★ *Are Prison's Obsolete?* **by Angela Davis (Seven Stories Press / Open Media, 2003)**
A must read! A short book that provides explains the prison-industrial-complex and its legacy of sexism, racism and classism. US focused but highly recommended.

★ *The Colour of Violence - The INCITE! Anthology* **(South End Press, 2006)**
This excellent collection expands the scope of feminist antiviolence work to include all forms of violence against women, including state, military and medical violence. It also urges a critical rethinking of the reliance on the criminal justice system for solving women's struggles with domestic violence and explores more effective modes of organizing.

★ *Global Lockdown: Race, Gender and the Prison Industrial Complex,* **edited by Julia Sudbury (Routledge, 2005)**
Explains how prisons have become international warehouses for oppressing women, and makes the case for the convergence of prison abolition and feminist anti-globalization activism.

★ *Instead of Prisons: A Handbook for Abolitionists,* **by Prison Research Education Action Project and Critical Resistance, (AK Press, 2005)**
A reprint of the 1976 classic, with a new introduction from Critical Resistance. Although it is now more than 30 years old it still provides a solid overview of why prisons should be abolished. Available free online: http://www.prisonpolicy.org/scans/instead_of_prisons/

★ *Writing As Resistance: The Journal of Prisoners on Prisons Anthology 1988-2002,* **edited by Bob Gaucher. (Canadian Scholars Press 2002)**
A collection of articles and essays writing by people who are either in prison or have been imprisoned.

★ *The Case for Penal Abolition,* **edited by Gordon West & Ruth Morris (Canadian Scholars Press, 2000)**
A collection of writings on why we should abolish the penal system.

★ *Hauling up the Morning: Writings and Art by Political Prisoners and Prisoners of War, edited by Tim Blunk & others* **(Jacobin Publishers, 1998)**
Highly recommended anthology of powerful stories, artwork and essays.

★ *Restorative Justice Online*
Provides online library of resources on restorative justice models from around the world. http://www.restorativejustice.org/

★ *Lockdown: prison, repression and gender nonconformity* **(2008)**
A fantastic zine about gender segregation and repression, particularly as enforced through prisons and policing. Online: http://october15thsolidarity.info/files/Lockdown_EN_WEB.pdf